

Washington, Friday, June 3, 1960

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Codification Guide

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Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

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Title 3—THE PRESIDENT

Executive Order 10879

ESTABLISHING THE WHITE HOUSE SERVICE CERTIFICATE AND THE WHITE HOUSE SERVICE BADGE

By virtue of the authority vested in me as President of the United States, and as Commander in Chief of the armed forces of the United States, it is ordered as follows:

- 1. There is hereby established a White House Service Certificate, to be awarded in the name of the President of the United States, as public evidence of deserved honor and distinction, to members of the Army, Navy, Marine Corps, and Air Force, other than the Presidential Aides, who have been detailed to duty in the White House for at least one year subsequent to January 20, 1953.
- 2. The White House Service Certificate shall be of appropriate design, approved by the Secretary of the Army, and shall be awarded by the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force, upon recommendation of the Presidential Military, Naval, or Air Force Aide, as the case may be, to military personnel of their respective services.
- 3. A White House Service Badge, the design of which accompanies and is hereby made a part of this order, is hereby established and may be issued to any member of the armed forces detailed to duty in the White House, other than the Presidential Aides. The badge may be worn as a part of the uniform of those individuals, during the period of their

detail to White House duty, under such regulations as the Secretaries of the Army, Navy, and Air Force, with the approval of the Secretary of Defense, may severally prescribe.

4. No more than one White House Service Certificate shall be awarded to any person.

5. The service certificate established by this order may be granted posthumoùsly.

DWIGHT D. EISENHOWER

THE WHITE HOUSE, June 1, 1960.



On a disk of white enamel the device in silver from the Presidential seal without the encircling stars, the whole surrounded by 27 gold rays radiating from center 2¼" in diameter overall.

THE WHITE HOUSE SERVICE BADGE

[F.R. Doc. 60-5099; Filed, June 2, 1960; 10:26 a.m.]

Rules and Regulations

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B-LOANS, PURCHASES, AND OTHER OPERATIONS

[1960 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 1, Grain Sorghums]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1960-Crop Grain Sorghums Loan and Purchase Agreement Program

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 25 F.R. 3920, and containing the specific requirements for the 1960-Crop Grain Sorghums Price Support Program are heleby amended as follows:

1. Section 421.5233(a) (2) (ii) is amended to provide the amount of deduction from the designated terminal market on grain sorghums received by truck so that the amended subdivision reads as follows:

§ 421.5233 Determination of support rates.

- (a) * * * (2) * * *
- (ii) The support rate for grain sorghums received by truck and stored at any designated terminal market shall be determined by making a deduction from the terminal rate as follows:

- 2. Section 421.5233(a) (3) (ii) is amended to provide the amount of deduction from the designated terminal market on grain sorghums received by truck so that the amended subdivision reads as follows:
- (ii) Notwithstanding the foregoing provisions of this paragraph, the support rate for grain sorghums received by truck and stored at any of the terminal markets listed in subdivision (i) of this subparagraph shall be determined by making a deduction of 6 cents per hundredweight from the terminal rate, plus the transportation cost, if any, as determined by the appropriate CSS commodity office for moving the grain sorghums to a tidewater loading facility located within the same switching limits.

3. Section 421.5234(a) (1) is amended to provide the storage charges per hundredweight to be deducted in computing the amount of the loan or purchase price when such charges have not been prepaid, and in the case of recourse loans, the amount of handling charges to be deducted so that the amended subparagraph reads as follows:

§ 421.5234 Warehouse charges.

(a) (1) Warehouse receipts and the grain sorghums represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date the grain sorghums are deposited in the warehouse for storage: Provided, That the warehouseman shall not be entitled to satisfy the lien by sale of the commodity when CCC is holder of the warehouse receipt. Where the date of deposit (the date of the warehouse receipt if the date of deposit is not shown) on warehouse receipts representing grain sorghums stored in warehouses operating under the Uniform Grain Storage Agreement is on or before the applicable nonrecourse loan maturity date, there shall be deducted in computing the amount of the loan or purchase price the storage charges per hundredweight as shown in the following table unless written evidence has been submitted with the warehouse receipt that all warehouse charges, except receiving and loading out charges have been prepaid through the nonrecourse loan maturity date of March 31, 1961.

Amount of deduction (cents per hundred- weight)	For States having a maturity date not later than Mar. 31, 1961—Date the storage charges start (all dates in- clusive)
21	Prior to June 4, 1960. June 4-June 15, 1960. June 16-June 27, 1960. June 18-July 11, 1960. Juny 28-July 11, 1960. July 12-July 26, 1960. July 12-July 26, 1960. Aug. 11-Aug. 25, 1960. Aug. 28-Sopt. 9, 1960. Sept. 10-Sept. 24, 1960. Sept. 28-Oct. 9, 1960. Oct. 10-Oct. 24, 1960. Oct. 10-Ort. 24, 1960. Oct. 25-Nov. 8, 1960. Nov. 24-Dec. 8, 1960. Nov. 24-Dec. 8, 1960. Dec. 24, 1960-Jan. 7, 1961. Jan. 8-Jan. 22, 1961. Feb. 7-Feb. 21, 1961. Feb. 7-Feb. 21, 1961.
1	Mar. 9-Mar. 31, 1961.

In the case of recourse loans there shall be deducted in determining the support rate, storage charges per hundredweight per day from the date the storage charges start against holders of the warehouse receipt to the recourse loan maturity date of January 31, 1962, as provided in the Schedule of Rates of the

Uniform Grain Storage Agreement in effect when the services are performed, unless written evidence has been received that such charges have been prepaid. In addition to the provisions contained in § 421.5233 (a) and (b) for determining the support rate there shall also be deducted on recourse loans 4 cents per hundredweight for grain sorghums received by rail, water, or truck, unless written evidence has been received that the receiving and loading out charges have been prepaid. If the receiving and loading out charges for truck received grain sorghums have been prepaid, the support rate as determined under § 421.5233 (a) (2) (ii) and (a) (3) (ii) shall be increased 6 cents per hundredweight on recourse loans. For grain sorghums received by truck in approved warehouses where the support rate is not determined under § 421.5233 (a) and (b), there shall also be deducted from the county support rate on recourse loans the receiving and loading out charge provided in the Schedule of Rates of the Uniform Grain Storage Agreement in effect when the services are performed, unless written evidence has been received that the receiving and loading out charges have been prepaid.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended, Title II, 73 Stat. 178, 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Issued this 27th day of May 1960.

CLARENCE D. PALMBY,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 60-5056; Filed, June 2, 1960; 8:54 a.m.]

[1960 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 1, Barley]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1960-Crop Barley Loan and Purchase Agreement Program

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 25 F.R. 3570, and containing the specific requirements for the 1960-Crop Barley Price Support Program are hereby amended as follows:

1. Section 421.5083(a) (2) (ii) is amended to provide the amount of deduction from the designated terminal market on barley received by truck so that the amended subdivision reads as follows:

§ 421.5083 Determination of support rates.

- (a) * * *
- (2) * * *
- (ii) The support rate for barley received by truck and stored at any desig-

nated terminal market shall be determined by making a deduction from the terminal rate as follows:

Amou	nt of
deduc	tion
(cent	s per
Terminal market: bush	ıel)
Atchinson, Kans	8.5
Kansas City, Mo	8.5
Saint Joseph, Mo	8. 5
Omaha, Nebr	8. 5
Saint Louis, Mo	8. 5
Sioux City, Iowa	12.5
Minneapolis, Minn	12.5
Saint Paul, Minn	12.5
Chicago, Ill	12.5
Milwaukee, Wis	12.5
Memphis, Tenn	12.5

- 2. Section 421.5083(a) (3) (ii) is amended to provide the amount of deduction from the designated terminal market on barley received by truck so that the amended subdivision reads as follows:
- (ii) Notwithstanding the foregoing provisions of this paragraph, the support rate for barley received by truck and stored at any of the terminal markets listed in subdivision (i) of this subparagraph shall be determined by making a deduction of 2.5 cents per bushel from the terminal rate, plus the transportation cost, if any, as determined by the appropriate CSS commodity office for moving the barley to a tidewater loading facility located within the same switching limits.
- 3. Section 421.5084(a)(1) is amended to provide the storage charges per

bushel to be deducted in computing the amount of the loan or purchase price when such charges have not been prepaid, and in the case of recourse loans, the amount of handling charges to be deducted so that the amended subparagraph reads as follows:

§ 421.5084 Warehouse charges.

(a) (1) Warehouse receipts and the barley represented thereby stored in an approved warehouse operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date the barley is deposited in the warehouse for storage: Provided, That the warehouseman shall not be entitled to satisfy the lien by sale of the commodity when CCC is holder of the warehouse receipt. Where the date of deposit (the date of the warehouse receipt if the date of deposit is not shown) on warehouse receipts representing barley stored in warehouses operating under the Uniform Grain Storage Agreement is on or before the applicable nonrecourse loan maturity date, there shall be deducted in computing the amount of the loan or purchase price the storage charges per bushel as shown in the following table unless written evidence has been submitted with the warehouse receipt that all warehouse charges, except receiving and loading out charges, have been prepaid through the applicable nonrecourse loan maturity date to be determined in accordance with § 421.5082.

Amount of de- duction (cents per bushel)	For States having a maturity date not later than Apr. 30, 1961—Date the storage charges start (all dates inclusive)		date not later than Feb. 2
13	Prior to June 6, 1960. June 6-June 27, 1960. June 28-July 21, 1960. July 22-Aug. 17, 1960. Aug. 18-Sept. 13, 1960. Sept. 14-Oct. 10, 1960. Oct. 11-Nov. 6, 1960. Nov. 7-Dec. 3, 1960. Dec. 4-Dec. 30, 1960. Dec. 31, 1960-Jan. 20, 1961. Jan. 27-Feb. 22, 1961. Feb. 23-Mar. 21, 1961. Mar. 22-Apr. 30, 1961.	Prior to May 17, 1960	Prior to May 30, 1961. May 30-June 20, 1960. June 21-July 14, 1960. July 15-Aug. 10, 1960. Aug. 11-Sept. 6, 1960. Sept. 7-Oct. 30, 1960. Oct. 4-Oct. 30, 1960. Oct. 31-Nov. 26, 1960. Nov. 27-Dec. 23, 1960. Dec. 24, 1960-Jan. 19, 1961. Jan. 20-Feb. 28, 1961.

In the case of recourse loans there shall be deducted in determining the support rate, storage charges per bushel per day from the date the storage charges start against holders of the warehouse receipt to the recourse loan maturity date of January 31, 1962, as provided in the Schedule of Rates of the Uniform Grain Storage Agreement in effect when the services are performed, unless written evidence has been received that such charges have been prepaid. In addition to the provisions contained in § 421.5083 (a) and (b) for determining the support rate there shall also be deducted on recourse loans 2.5 cents per bushel for barley received by rail, water or truck, unless written evidence has been received that the receiving and loading out

charges have been prepaid. If the receiving and loading out charges for truck received barley have been prepaid, the support rate as determined under § 421.-5083 (a) (2) (ii) and (a) (3) (ii) shall be increased 2.5 cents per bushel on recourse loans. For barley received by truck in approved warehouses where the support rate is not determined under § 421.5083 (a) and (b), there shall also be deducted from the county support rate on recourse loans the receiving and loading out charges provided in the Schedule of Rates of the Uniform Grain Storage Agreement in effect when the services are performed, unless written evidence has been received that the receiving and loading out charges have been prepaid. (Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended, Title II, 73 Stat. 178, 15 U.S.C. 714, 7 U.S.C. 1421, 1441)

Issued this 27th day of May 1960.

CLARENCE D. PALMBY,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 60-5057; Filed, June 2, 1960; 8:54 a.m.]

[1960 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 1, Rye]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1960-Crop Rye Loan and Purchase Agreement Program

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 25 F.R. 3781 and containing the specific requirements for the 1960-Crop Rye Price Support Program are hereby amended as follows:

1. Section 421.5383(a) (2) (ii) is amended to provide the amount of deduction from the designated terminal market on rye received by truck so that the amended subdivision reads as follows:

§ 421.5383 Determination of support rates.

- (a) * * *
- (2) * * *
- (ii) The support rate for rye received by truck and stored at any designated terminal market shall be determined by making a deduction of 15.25 cents per bushel from the terminal rate.
- 2. Section 421.5383(a) (3) (ii) is amended to provide the amount of deduction from the designated port terminal market on rye received by truck so that the amended subdivision reads as follows:
- (ii) Notwithstanding the foregoing provisions of this paragraph, the support rate for rye received by truck and stored at any of the terminal markets listed in subdivision (i) of this subparagraph shall be determined by making a deduction of 3.25 cents per bushel from the terminal rate, plus the transportation cost, if any, as determined by the appropriate CSS commodity office for moving the rye to a tidewater loading facility located within the same switching limits.
- 3. Section 421.5384(a) (1) is amended to provide the storage charges per bushel to be deducted in computing the amount of the loan or purchase price when such charges have not been prepaid and in the case of recourse loans the amount of handling charges to be deducted so that the amended subparagraph reads as follows:

§ 421.5384 Warehouse charges.

(a) (1) Warehouse receipts and the rye represented thereby stored in an ap-

proved warehouse operating under the Uniform Grain Storage Agreement may be subject to the liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date the rye is deposited in the warehouse for storage: Provided, That the warehouseman shall not be entitled to satisfy the lien by sale of the commodity when CCC is holder of the warehouse receipt. Where the date of deposit (the date of the warehouse receipt if the date of deposit is not shown) on warehouse receipts representing rye

stored in warehouses operating under the Uniform Grain Storage Agreement is on or before the applicable nonrecourse loan maturity date, there shall be deducted in computing the amount of the loan or purchase price the storage charges per bushel as shown in the following table unless written evidence has been submitted with the warehouse receipt that all warehouse charges, except receiving and loading-out charges, have been prepaid through the applicable nonrecourse loan maturity date to be determined in accordance with § 421.5382.

Amount of deduction (cents per bushel)	For States having a maturity date not later than Apr. 30, 1961—Date storage charges start (all dates inclusive)	For States having a maturity date not later than Feb. 28, 1961—Date storage charges start (all dates inclusive)
13	Prior to June 6, 1960 June 6, 1960–June 26, 1960 June 27, 1960–July 21, 1960 July 22, 1960–Aug 17, 1960 Aug. 18, 1960–Sept. 13, 1960 Sept. 14, 1960–Oct. 10, 1960 Oct. 11, 1960–Nov. 6, 1960 Nov. 7, 1960–Dec. 3, 1960 Dec. 4, 1960–Dec. 30, 1960 Dec. 4, 1960–Dec. 30, 1960 Dec. 4, 1960–Dec. 30, 1960 Feb. 23, 1961–Feb. 22, 1961 Jan. 27, 1961–Feb. 22, 1961 Feb. 23, 1961–Mar. 21, 1961 Mar. 22, 1961–Apr. 30, 1961	Sept. 7, 1960–Oct. 3, 1960. Oct. 4, 1960–Oct. 30, 1960. Oct. 31, 1960–Nov. 26, 1960.

In the case of recourse loans there shall be deducted in determining the support rate, the storage charges per day from the date the storage charges start against holders of the warehouse receipt to the recourse loan maturity date of January 31, 1962, provided in the Schedule of Rates of the Uniform Grain Storage Agreement in effect when the services are performed, unless written evidence has been received that such charges have been prepaid. In addition to the provisions contained in § 421.5383 (a) and (b) for determining the support rate. there shall also be deducted on recourse loans 2.5 cents per bushel for rye received by rail, water or truck, unless written evidence has been received that the receiving and loading-out charges have been prepaid. If the receiving and loading-out charges for truck received rye have been prepaid, the support rate as determined under § 421.5383 (a) (2) (ii) and (a) (3) (ii) shall be increased 3.25 cents per bushel on recourse loans. For rye received by truck in approved warehouses where the support rate is not determined under § 421.5383 (a) and (b), there shall also be deducted from the county support rate on recourse loans the amount of the receiving and loading-out charge provided in the Schedule of Rates of the Uniform Grain Storage Agreement in effect when the services are performed, unless written evidence has been received that such receiving and loading-out charges have been prepaid.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended; Title II, 73 Stat. 178, 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Issued this 27th day of May 1960.

CLARENCE D. PALMBY,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 60-5058; Filed, June 2, 1960; 8:54 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order No. 11]

PART 911 — MILK IN THE TEXAS PANHANDLE MARKETING AREA

Order Amending Order

§ 911.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) Findings upon the basis of the hearing record. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Texas Panhandle marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

- (1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;
- (2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of

feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) Additional findings. It is necessary in the public interest to make this order amending the order effective not later than June 1, 1960.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued April 13, 1960, and the decision of the Acting Secretary containing all amendment provisions of this order, was issued May 12, 1960. The changes effected by this order will not require extensive preparation or substantial alteration of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective June 1, 1960, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the Federal Register. (See section 4 (c), Administrative Procedure Act, 5 U.S.C. 1001 et seq.)

- (c) Determinations. 'It is hereby determined that:
- (1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;
- (2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and
- (3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Texas Panhandle marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

§ 911.46 [Amendment]

- 1. Delete § 911.46(a) (4) and substitute therefor the following:
- (4) Whenever the total receipts of producer milk by all handlers are less than 110 percent of Class I sales by all

pounds of skim milk in Class II milk an amount equal to such remainder, or the product obtained by multiplying the pounds of skim milk in producer milk by 0.05, whichever is less.

§ 911.51 [Amendment]

2. Delete § 911.51(b) and substitute therefor the following:

(b) Class II milk price. For the months of July through February, the price for Class II milk shall be the price computed pursuant to § 911.50(b), and for the months of March through June, such price less 13 cents.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Issued at Washington, D.C., this 27th day of May 1960, to be effective on and after the 1st day of June 1960.

> CLARENCE L. MILLER, Assistant Secretary.

[F.R. Doc. 60-4971; Filed, June 2, 1960; 8:45 a.m.]

PART 936-FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES **GROWN IN CALIFORNIA**

Findings and Determinations Relative to Expenses To Be Incurred and Fixing of Rates of Assessment for the 1960-61 Season

On May 11, 1960, notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 4184) regarding the expenses and the flxing of the rates of assessment for the 1960-61 season pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). After consideration of all relevant matters presented, including the proposals which were submitted by the Control Committee (established pursuant to said amended marketing agreement and order) and set forth in the aforesaid notice, it is hereby found and determined that:

§ 936.214 Expenses and rates of assessment for the 1960-61 season.

(a) Expenses. The expenses likely to be incurred by the Control Committee during the 1960-61 season beginning March 1, 1960, and ending February 28, 1961, both dates inclusive, for the maintenance and functioning of such committee and the respective commodity committees, established pursuant to the provisions of the aforesaid amended marketing agreement and order, are as follows:

- (1) Bartlett pears, \$23,048.81;
- (2) Early varieties of plums, \$20,129.02;
- (3) Late varieties of plums, \$20,177.51; and
 - (4) Elberta peaches, \$12,449.66.
- (b) Rates of assessment. The following rates of assessment, which each handler shall pay in accordance with the

handlers, subtract from the remaining applicable provisions of said amended marketing agreement and order, are hereby fixed as the respective handler's pro rata share of the aforesaid expenses:

- (1) 8 and ½ mills (\$0.0085) per standard western pear box of Bartlett pears, or its equivalent in other containers or in bulk:
- (2) 8 and ½ mills (\$0.0085) per standard four-basket crate of early varieties of plums, or its equivalent in other containers or in bulk:
- (3) 8 and ½ mills (\$0.0085) per standards four-basket crate of late varieties of plums, or its equivalent in other containers or in bulk; and

(4) 5 mills (\$0.005) per California peach box of Elberta peaches, or its equivalent in other containers or in bulk.

- (c) It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the Federal Register (5 U.S.C. 1001-1011) in that (1) the respective rates of assessment are applicable to all fresh Bartlett pears, early varieties of plums, late varieties of plums, and Elberta peaches shipped during the 1960–61 season; (2) shipments of plums have already commenced and shipments of Elberta peaches are expected to begin on or about June 17, 1960, with shipments of Bartlett pears following on or about July 11, 1960; (3) the provisions hereof do not impose any obligation on a handler until such handler ships plums. Elberta peaches or Bartlett pears; and (4) it is essential that the specification of the assessment rates be issued immediately so that the aforesaid assessment may be collected and thereby enable the said Control Committee and commodity committees to perform their duties and functions in accordance with said amended marketing agreement and order.
- (d) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order. The terms hereof shall become effective upon publication in the FEDERAL REGISTER.

(Secs. 1-19, 48 Stat., as amended; 7 U.S.C. 601-674)

Dated: May 31, 1960.

S. R. SMITH. Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-5052; Filed, June 2, 1960; 8:53 a.m.]

PART 937-NECTARINES GROWN IN **CALIFORNIA**

Determination Relative to the Expenses and the Fixing of the Rate of Assessment for the 1960-61 Fiscal Period and Carryover of Unexpended Funds

Notice was published in the May 11, 1960, issue of the FEDERAL REGISTER (25 F.R. 4184) that consideration was being given to proposals regarding the expenses and the fixing of the rate of assessment for the fiscal period ending February

28, 1961, under the marketing agreement and Order No. 37 (7 CFR Part 937), regulating the handling of nectarines grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Nectarine Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 937.203 Expenses and rate of assessment for the 1960-61 fiscal period.

(a) Expenses. The expenses that are reasonable and likely to be incurred by the Nectarine Administrative Committee, established pursuant to the provisions of the aforesaid marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the fiscal period beginning March 1, 1960, and ending February 28, 1961, will amount to \$114,000.

(b) Rate of assessment. The rate of assessment, which each handler who first handles nectarines shall pay as his pro rata share of the aforementioned expenses in accordance with the applicable provisions of said marketing agreement and order, is hereby fixed at three cents (\$0.03) per standard lug box, or equivalent quantity of nectarines in other containers or in bulk so handled by such handler during such fiscal period.

(c) Reserve. Unexpended assessment funds, in excess of expenses incurred during the fiscal period ending February 28, 1961, shall be carried over as a reserve in accordance with the applicable provisions of § 937.42 of said marketing agreement and order.

It is hereby further found that good cause exists for not postponing the effective time hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that (1) shipments of nectarines are now being made; (2) the rate of assessment is applicable to all nectarines shipped during the aforementioned fiscal period; and (3) it is essential that the specification of assessment rate be issued immediately so as to enable the said Nectarine Administrative Committee to perform its duties and functions in accordance with said marketing agreement and order.

Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order, and "standard lug box" shall mean the No. 26 standard lug box set forth in § 828.4 of the Agricultural Code of California.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated May 31, 1960, to become effective upon publication in the FEDERAL REG-ISTER.

> S. R. SMITH. Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-5053; Filed, June 2, 1960; 8:53 a.m.]

[Milk Order No. 82]

PART 982—MILK IN CENTRAL WEST TEXAS MARKETING AREA

Order Amending Order

§ 982.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) Findings upon the basis of the hearing record. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Central West Texas marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) Additional findings. It is necessary in the public interest to make this order amending the order effective not later than June 1, 1960.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued April 15, 1960 and the decision of the Acting Secretary containing all amendment provisions of this order, was issued May 12, 1960. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective June 1, 1960, and that it would be contrary to the public interest to delay the effective date

of this amendment for 30 days after its publication in the Federal Register. (See section 4(c), Administrative Procedure Act, 5 U.S.C. 1001 et seq.)

(c) Determinations. It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended: and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is Therefore Ordered, that on and after the effective date hereof, the handling of milk in the Central West Texas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

§ 982.51 [Amendment]

1. Delete § 982.51(a) and substitute therefor the following:

(a) Class II milk. Subject to the provisions of § 982.52, the minimum price per hundredweight to be paid by each handler for milk received at his plant from producers and classified as Class II milk shall be the sum of the plus values computed as follows:

(1) From the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago, as reported by the Department during the month, subtract 3 cents, add 20 percent thereof and multiply by 4.0;

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5 and multiply by 0.96.

2. Add as § 982.54 the following:

§ 982.54 Use of equivalent prices.

If for any reason a price quotation required by this order for computing class prices or for any other purpose is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Issued at Washington, D.C., this 27th day of May 1960, to be effective on and after the 1st day of June 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60-4973; Filed, June 2, 1960; 8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Y]

PART 222—BANK HOLDING COMPANIES

Procedure on Applications for Approval of Acquisition of Bank Shares or Assets

1. Effective July 1, 1960, paragraphs (d) and (e) of § 222.4 are amended to read as follows:

§ 222.4 Acquisition of bank shares or assets.

(d) Submission of applications. An application for approval by the Board of any transaction requiring such approval under paragraph (a) of this section shall be filed with the Federal Reserve Bank.2a Three copies of such application shall be filed except where, pursuant to the provisions of paragraph (e) of this section, copies of the application are required to be transmitted to both the Comptroller of the Currency and the appropriate State supervisory authority, in which circumstances four copies of the application shall be filed. The application shall be filed not less than 60 days before the date on which it is proposed that the transaction requiring approval be consummated.⁸ However, the Board in its discretion may, upon good cause shown, accept an application although submitted within such period of 60 days. A separate application shall be filed with respect to each bank the voting shares or assets of which are sought to be acquired by an existing bank holding company or nonbanking subsidiary thereof.

(e) Procedure on applications. (1) A Federal Reserve Bank receiving an application under this section will retain one copy thereof and will forward all other copies to the Board. If either the applicant or the bank the voting shares or assets of which are sought to be acquired is a national bank or a District bank, the Board will transmit a copy of the application to the Comptroller of the Currency. If either the applicant or the bank the voting shares or assets of

^{2a} The term "Federal Reserve Bank", as used herein, means the Federal Reserve Bank of the Federal Reserve district in which the applicant has its principal office.

In some cases it may not be possible for the Board to act upon an application within such period of 60 days and this requirement should not be regarded as suggesting that the Board will act upon all applications within that period of time, although every effort will be made to expedite such action. which are sought to be acquired is a State bank, the Board will transmit a copy of the application to the bank supervisory authority of the State in which such bank is located.

(2) Following the receipt of an application under this section, the Board will publish in the Federal Register a notice of such receipt, stating the names and addresses of the applicant and the bank or banks involved, indicating the general nature of the proposed transaction, and allowing 30 days (or a shorter period in exceptional circumstances) for the submission of written comments or views. Such comments or views shall be submitted to the Board or to the Federal Reserve Bank for transmission to the Board.

2a. The purposes of this amendment are to give public notice of the receipt of application filed pursuant to § 222.4 and thereby (i) afford interested persons full opportunity to submit to the Board comments and views with respect to such applications, and (ii) facilitate disposition of applications by the Board in the light of such comments or views. The procedure here contemplated will supersede the procedure of announcing tentative decisions on applications.

b. A draft form of this amendment was the subject of a notice of proposed rule making, published in the Federal Register (25 F.R. 2140). After consideration of all relevant views and arguments received from interested persons, the Board has adopted the amendment herein set forth.

(Sec. 5(b), 70 Stat. 133; 12 U.S.C. 1844(b))

BOARD OR GOVERNORS OF THE FEDERAL RESERVE SYSTEM, [SEAL] MERRITT SHERMAN,

Secretary.

[F.R. Doc. 60-4995; Filed, June 2, 1960; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS [Reg. Docket No. 330; Amdt. 168]

PART 507—AIRWORTHINESS DIRECTIVES

De Havilland Dove 104 Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring inspection for cracks in the wing root joint fitting of De Havilland Dove Model 104 aircraft, and replacement of defective parts to preclude occurrence of an unsafe condition in service was published in 25 F.R. 2860.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing § 507.10(a), (14 CFR Part 507), is hereby

amended by adding the following new airworthiness directive:

DE HAVILLAND. Applies to De Havilland Dove Model 104, Serial Numbers 04001 through 04507.

Compliance required as indicated.

During fatigue tests cracks caused by corrosion and fretting occurred in the wing main lower root joint fitting at an equivalent time in service of 13,000 hours. To preclude the failure of this fitting in service, compliance with De Haviliand Technical News Sheet CT(104) No. 168 Issue No. 2, is required by July 15, 1960, for aircraft which have exceeded 12,000 hours time in service. For all other aircraft compliance required before the aircraft exceeds 12,000 hours time in service but not later than: December 31, 1960, for Serial Numbers 04001 through 04463; December 31, 1961, for Serial Numbers 04464 through 04507.

Magnetic particle and dye penetrant methods of inspection may be used in lieu of the crack testing methods called for in De Havilland Technical News Sheet CT(104) No. 168 Issue No. 2. Other jointing, antifretting and anticorrosive, and sealing compounds, if shown to be equivalent to the commercially designated compounds in De Havilland Technical News Sheet CT(104) No. 168 Issue No. 2, may be used.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423.)

Issued in Washington, D.C., on May 26, 1960.

E. R. QUESADA, Administrator.

[F.R. Doc. 60-4961; Filed, June 2, 1960; 8:45 a.m.]

SUBCHAPTER E-AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59-WA-308]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification; Change of Effective Date

On February 2, 1960, there was published in the Federal Register (25 F.R. 856) an amendment to \$600.6058 of the regulations of the Administrator. This amendment, to be effective July 28, 1960, modified VOR Federal airway No. 58 between Imperial, Pa., and Tyrone, Pa., concurrently with the commissioning of a VOR near Carrolltown, Pa.

The commissioning date of the Carrolltown, Pa., VOR has been rescheduled. Therefore, it is necessary to postpone the effective date of the above-mentioned amendment until November 17, 1960.

Since this action does not impose a burden on the public, compliance with the notice, public procedure and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), effective immediately, Airspace Docket No. 59-WA-308 is hereby modified as follows: "effective 0001, e.s.t., July 28, 1960." is deleted and "effective 0001, e.s.t., November 17, 1960." is substituted therefor.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on May 27, 1960.

D. D. THOMAS, Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-4983; Filed, June 2, 1960; 8:46 a.m.]

[Airspace Docket No. 59-WA-309]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification; Change of Effective Date

On February 2, 1960, there was published in the Federal Register (25 F.R. 856) an amendment to \$600.6276 of the regulations of the Administrator. This amendment, to be effective July 28, 1960, modified VOR Federal airway No. 276 between Elwood City, Pa., and Tyrone, Pa. This realignment of V276, although not designated via the Carrolltown, Pa., VOR, is part of the planned airway structure based on the commissioning of this new facility. Consequently, this amendment should become effective concurrently with the commissioning of the Carrolltown VOR.

The commissioning date of the Carrolltown VOR has been rescheduled. Therefore, it is necessary to postpone the effective date of the above-mentioned amendment until November 17, 1960.

Since this action does not impose a burden on the public, compliance with the notice, public procedure and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), effective immediately, Airspace Docket No. 59-WA-309 is hereby modified as follows: "effective 0001 e.s.t. July 28, 1960." is deleted and "effective 0001 e.s.t. November 17, 1960." is substituted therefor. (Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on May 27, 1960.

D. D. Thomas, Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-4984; Filed, June 2, 1960; 8:46 a.m.]

[Airspace Docket No. 59-NY-1]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL A R E A S , CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Extension of Federal Airway and Associated Control Areas; Change of Effective Date

On January 26, 1960, there was published in the Federal Register (25 F.R. 630) amendments to §§ 600.6151 and

No. 108----2

601.6151 of the regulations of the Administrator. These amendments, to be effective July 28, 1960, extended VOR Federal airway No. 151 and its associated control areas from Lebanon, N.H., to Burlington, Vt., concurrently with the commissioning of a VOR near Montpelier, Vt.

The commissioning date of the Montpelier VOR has been rescheduled. Therefore, it is necessary to postpone the effective date of the above-mentioned amendments until October 20, 1960.

Since this action does not impose a burden on the public, compliance with the notice, public procedure and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), effective immediately, Airspace Docket No. 59-NY-1 is hereby modified as follows: "effective 0001 e.s.t. July 28, 1960." is deleted and "effective 0001 e.s.t. October 20, 1960." is substituted therefor. (Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on May 27, 1960.

D. D. THOMAS, Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-4982; Filed, June 2, 1960; 8:46 a.m.]

[Airspace Docket No. 59-WA-105]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL A R E A S , CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Designation of Federal Airway and Associated Control Areas; Change of Effective Date

On January 26, 1960, there was published in the Federal Register (25 F.R. 631) amendments to Parts 609 and 601 of the regulations of the Administrator. These amendments, to be effective July 28, 1960, designated a new airway, VOR Federal airway No. 447, and its associated control areas from Montpelier, Vt., to Newport, Vt., concurrently with the commissioning of a VOR near Montpelier.

The commissioning date of the Montpelier VOR has been rescheduled. Therefore, it is necessary to postpone the effective date of the above-mentioned amendments until October 20, 1960.

Since this action does not impose a burden on the public, compliance with the notice, public procedure and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), effective immediately, Airspace Docket No. 59-WA-105 is hereby modified as follows: "effective 0001 e.s.t. July 28, 1960." is deleted and "effective 0001 e.s.t. October 20, 1960." is substituted therefor. (Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on May 27, 1960.

D. D. THOMAS, Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-4985; Filed, June 2, 1960; 8:46 a.m.]

[Airspace Docket No. 59-WA-310]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Extension of Federal Airway and Associated Control Areas; Change of Effective Date

On April 30, 1960, there was published in the Federal Register (25 F.R. 3815) amendments to §§ 600.6210 and 601.6210 of the regulations of the Administrator. These amendments, to be effective July 28, 1960, extended VOR Federal airway No. 210 and its associated control areas from Imperial, Pa., to Harrisburg, Pa., concurrently with the commissioning of a VOR near Carrolltown, Pa.

The commissioning date of the Carrolltown VOR has been rescheduled. Therefore, it is necessary to postpone the effective date of the above-mentioned amendments until November 17, 1960.

Since this action does not impose a burden on the public, compliance with the notice, public procedure and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), effective immediately, Airspace Docket No. 59-WA-310 is hereby modified as follows: "effective 0001, e.s.t., July 28, 1960." is deleted and "effective 0001, e.s.t., November 17, 1960." is substituted therefor.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on May 27, 1960.

D. D. Thomas, Director, Bureau of Air Traffic Management.

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[F.R. Doc. 60-4986; Filed, June 2, 1960; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission
[Docket 7677 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Geenblatt's, Inc., of Ind., and Harold Michelson

Subpart—Advertising falsely or misleadingly: § 13.155 Prices: § 13.155-40 Exaggerated as regular and customary; § 13.155-70 Percentage savings. Subpart—Invoicing products falsely: § 13.1108 Invoicing products falsely; § 13.1108-45 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 Composition: § 13.1845-30 Fur Products Labeling Act; § 13.1845-35 Fur Products Labeling Act; § 13.1845-35 Fur Products Labeling Act; § 13.1865 Manufacture or preparation: § 13.1865-40 Fur Products Labeling Act; § 13.1886 Quality, grade or type; § 13.1900 Source or origin: § 13.1900-40 Fur Products Labeling Act; § 13.1900-40 Expreducts Labeling Act; § 13.1900-40 Expreducts

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 719; 15 U.S.C. 45, 69f) [Cease and desist order, Greenblatt's, Inc., of Ind., et al., Fort Wayne, Ind., Docket 7677, April 20, 1960]

The complaint in this case charged furriers in Fort Wayne, Ind., with violating the Fur Products Labeling Act by advertising in newspapers which failed to disclose that fur products were artificially colored or made of cheap or waste fur and to disclose the country of origin of imported furs, represented fictitious amounts as to the usual prices and made deceptive percentage savings claims; by failing to keep adequate records as a basis for said pricing claims; and by failing to comply with invoicing requirements.

Based on a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on April 20 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Greenblatt's, Inc., of Indiana, a corporation, and its officers, and Harold Michelson, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, offering for sale, transportation or distribution, in commerce, of any fur product, or in connection with the sale, advertising, offering for sale, transportation, or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Falsely and deceptively invoicing fur products by:

A. Failing to furnish to purchasers of fur products invoices showing all the information required to be disclosed by each of the subsections of section 5(b) (1) of the Fur Products Labeling Act;

2. Falsely and deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of fur products, and which:

A. Fails to disclose:

- (1) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide, and as prescribed under the rules and regulations;
- (2) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;
- (3) That the fur product is composed in whole or in substantial part of paws, tails, bellies and waste fur, when such is the fact:
- (4) The name of the country of origin of any imported furs contained in a fur product:
- B. Fails to set forth the information required under section 5(a) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder in type of equal size and conspicuousness and in close proximity with each other;
- C. Represents, directly or by implication, that respondents' regular or usual price of any fur product is any amount which is in excess of the price at which they have usually and customarily sold such products in the recent regular course of business;
- D. Represents, directly or by implication, through percentage savings claims that the regular or usual retail prices charged by respondents for fur products in the recent regular course of business were reduced in direct proportion to the amount of savings stated, when contrary to the fact;

E. Misrepresents in any manner the savings available to purchasers of respondents' fur products;

3. Making claims or representations in advertisements respecting prices or values of fur products unless respondents maintain full and adequate records disclosing the facts upon which such claims and representations are based.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Greenblatt's, Inc., of Indiana, a corporation, and Harold Michelson, individually and as an officer of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which

they have complied with the order to cease and desist.

Issued: April 20, 1960.

By the Commission.

SEAL] ROBERT M. PARRISH, Secretary.

[F.R. Doc. 60-4997; Filed, June 2, 1960; 8:47 a.m.]

[Docket 7661 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Ozan's Furs and R. H. Ozan

Subpart—Misbranding or mislabeling: § 13.1212 Formal regulatory and statutory requirements; § 13.1212-30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 Formal regulatory and statutory requirements: § 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 719; 15 U.S.C. 45, 69f) [Cease and desist order, Ozan's Furs, Reading; Pa., Docket 7661, April 13, 1960]

The complaint in this case charged a Reading, Pa., furrier with violating the Fur Products Labeling Act by failing to comply with labeling and invoicing requirements.

On the basis of a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on April 13 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered. That R. H. Ozan, an individual trading as Ozan's Furs, or under any other name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, offering for sale, transportation or distribution, in commerce, of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing in words and figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act;

2. Setting forth on labels affixed to fur products information required under section 4(2) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder:

(a) In abbreviated form;

(b) Mingled with non-required information;

(c) In handwriting;

3. Failing to set forth on labels the item number or mark assigned to a fur product.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish to purchasers of fur products an invoice showing all of the information required to be disclosed by each of the subsections of section 5(b) (1) of the Fur Products Labeling Act;

2. Setting forth required information in abbreviated form;

3. Failing to set forth the term "Dyed Broadtail-processed Lamb" as required;

4. Failing to set forth the item number or mark assigned to a fur product.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent R. H. Ozan, an individual trading as Ozan's Furs, shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: April 13, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,

Secretary.

[F.R. Doc. 60-4998; Filed, June 2, 1960; 8:47 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange
Commission

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EX-CHANGE ACT OF 1934

Exemption of Certain Transactions

Section 16(b) of the Securities Exchange Act of 1934 provides that profits realized by an officer or director of a company having any class of equity securities registered on a national securities exchange, or by any person owning beneficially more than 10 percent of such registered securities, from the purchase and sale or the sale and purchase within a period of less than six months of any equity security of such company shall inure to and be recoverable on behalf of the company. Rule 16b-3 has heretofore provided an exemption from these provisions for shares of stock acquired pursuant to bonus, profit sharing, retirement, thrift, savings or similar plans meeting specified conditions. The rule also exempted the acquisition of nontransferable options, and stock acquired under such options, pursuant to a plan meeting similar conditions.

On November 5, 1959, the Commission published, in Release No. 6111, notice of a proposal to amend Rule 16b-3 (§ 240.16b-3) to delete, as a matter of

policy, the exemption for stock acquired upon the exercise of options and to provide that the selection of persons participating in plans subject to the rule be made by a disinterested board of directors or committee. A revised proposal was published on April 6, 1960, in Release No. 6227. The proposal has been further revised in the light of the comments-received and, after consideration of the views expressed by all those who submitted letters of comment, the Commission has adopted an amendment in the form set forth below.

§ 240.16b-3 Exemption from section 16 (b) of acquisitions of shares of stock and restricted stock options under certain stock bonus, stock option or similar plans.

Any acquisition of shares of stock (other than stock acquired upon the exercise of an option, warrant or right) pursuant to a stock bonus, profit sharing, retirement, incentive, thrift, savings, or similar plan, or any acquisition of a restricted stock option pursuant to a restricted stock option plan, by a director or officer of the issuer of such stock or restricted stock option shall be exempt from the operation of section 16(b) of the Act if the plan meets the following conditions:

(a) The plan has been duly approved, directly or indirectly:

(1) By the holders of a majority of the securities of the issuer present, or represented, and entitled to vote at a meeting for which proxies were solicited substantially in accordance with the rules and regulations, if any, then in effect under section 14(a) of the Act, or by the written consent of the holders of a majority of the securities of the issuer entitled to vote solicited substantially in accordance with such rules and regulations, whether or not such rules and regulations were applicable to such solicitations; or

(2) By the holders of a majority of the securities of a predecessor corporation entitled to vote, in the manner specified in subparagraph (1) of this paragraph, if the plan or obligations to participate thereunder were assumed by the issuer in connection with the succession.

(b) If the selection of any director or officer of the issuer to whom stock may be allocated or to whom restricted stock options may be granted pursuant to the plan, or the determination of the number or maximum number of shares of stock which may be allocated to any such director or officer or which may be covered by restricted stock options granted to any such director or officer, is subject to the discretion of any person, then such discretion shall be exercised only as follows:

(1) With respect to the participation of directors:

(i) By the board of directors of the issuer, a majority of which board and a majority of the directors acting in the matter are disinterested persons;

(ii) By, or only in accordance with the recommendation of, a committee of three or more persons having full authority to act in the matter, all of the members of

which committee are disinterested persons; or

(iii) Otherwise in accordance with the plan, if the plan (a) specifies the number or maximum number of shares of stock which directors may acquire or which may be subject to restricted stock options granted to directors and the terms upon which and the times at which, or the periods within which, such stock may be acquired or such options may be acquired and exercised; or (b) sets forth, by formula or otherwise, effective and determinable limitations with respect to the foregoing based upon earnings of the issuer, dividends paid, compensation received by participants, option prices, market value of shares, outstanding shares or percentages thereof outstanding from time to time, or similar factors.

(2) With respect to the participation of officers who are not directors:

(i) By the board of directors of the issuer or a committee of three or more directors; or

(ii) By, or only in accordance with the recommendations of, a committee of three or more persons having full authority to act in the matter, all of the members of which committee are disinterested persons.

For the purpose of this paragraph, a director or committee member shall be deemed to be a disinterested person only if such person is not at the time such discretion is exercised eligible and has not at any time within one year prior thereto been eligible for selection as a person to whom stock may be allocated or to whom restricted stock options may be granted pursuant to the plan or any other plan of the issuer or any of its affiliates entitling the participants therein to acquire stock or restricted stock options of the issuer or any of its affiliates.

(c) (1) As to each participant or as to all participants the plan effectively limits the aggregate dollar amount or the aggregate number of shares of stock which may be allocated, or which may be subject to restricted stock options granted, pursuant to the plan. The limitations may be established on an annual basis, or for the duration of the plan, whether or not the plan has a fixed termination date, and may be determined either by fixed or maximum dollar amounts or fixed or maximum numbers of shares or by formulas based upon earnings of the issuer, dividends paid, compensation received by participants. option prices, market value of shares, outstanding shares or percentages thereof outstanding from time to time, or similar factors which will result in an effective and determinable limitation. Such limitations may be subject to any provisions for adjustment of the plan or of stock allocable or options outstanding thereunder to prevent dilution or enlargement of rights.

(2) Unless the context otherwise requires, all terms used in this rule shall have the same meaning as in the Act or elsewhere in the general rules and regulations thereunder. In addition, the following definitions apply:

(i) The term "plan" includes all plans, whether or not set forth in any formal document or documents and whether or not approved at one time.

(ii) The term "restricted stock option" means a restricted stock option as defined in section 421 of the Internal Revenue Code of 1954, as amended, and the regulations or rulings of the Internal Revenue Service thereunder.

The foregoing action is taken pursuant to the Securities Exchange Act of 1934, particularly sections 3(a)(12), 3(b), 16(b) and 23(a) thereof. Such action shall become effective June 27, 1960, except that any acquisition of shares of stock (other than stock acquired upon the exercise of an option, warrant or right) or any acquisition of a restricted stock option, prior to the issuer's annual meeting of stockholders in 1961 shall be deemed to be exempted from the operation of section 16(b) of the Act by Rule 16b-3 as hereinabove amended if such by Rule 16b-3 as heretofore in effect.

By the Commission.

[SEAL]

ORVAL L. DuBois, Secretary.

MAY 26, 1960.

[F.R. Doc. 60-5004; Filed, June 2, 1960; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B-FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EX-EMPTIONS F R O M TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COM-MODITIES

Tolerances for Residues of Demeton

A petition was filed with the Food and Drug Administration by Chemagro Corporation, Kansas City, Missouri, requesting the establishment of tolerances for residues of demeton (a mixture of O,Odiethyl O (and S)-2-(ethylthio) ethyl phosphorothioates), sold under the trade name Systox, in or on raw agricultural commodities as follows:

1.25 parts per million in or on peaches. 0.75 part per million in or on celery, peas, and tomatoes.

The petition was later amended, and the requested tolerance on peaches was changed from 1.25 parts per million to 0.75 part per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal

Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U.S.C. 346a(d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR, 1959 Supp., 120.7(g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.3, 120.105) are amended as set forth below:

§ 120.3 [Amendment]

- 1. Section 120.3 Tolerances for related pesticide chemicals is amended as follows:
- a. Paragraph (e)(5) is amended by inserting therein as the second item in
 the list of cholinesterase-inhibiting compounds the following item:

Demeton (a mixture of O,O-diethyl O (and S)-2-(ethylthio) ethyl phosphorothioates).

- b. Subparagraph (5) is further amended by deleting therefrom the item "Systox * * *".
- 2. Section 120.105 is amended by replacing the trade name Systox with the common name demeton, by bringing the chemical name into conformity with American Chemical Society preferred nomenclature recommendations, and by adding a tolerance of 0.75 part per million on each of the raw agricultural commodities celery, peaches, peas, tomatoes. As amended, § 120.105 reads as follows:

§ 120.105 Tolerances for residues of demeton.

Tolerances for residues of demeton (a mixture of O,O-diethyl O (and S)-2-(ethylthio) ethyl phosphorothioates) and derived anticholinesterase products as determined by in vitro cholinesterase inhibition of pooled human plasma, using technical demeton as a standard (this standard effects 50 percent inhibition of pooled human plasma cholinesterase at a concentration 0.3 ± 0.025 part per million in water as a medium) are established as follows:

- (a) 12 parts per million in or on alfalfa hay, clover hay.
- (b) 5 parts per million in or on almond hulls, fresh alfalfa, fresh clover.
- (c) 1.25 parts per million in or on grapes, hops.
- (d) 0.75 part per million in or on almonds, apples, broccoli, brussels sprouts, cabbage, cauliflower, celery, grapefruit, lemons, lettuce, muskmelons, oranges, peaches, pears, peas, pecans, potatoes, strawberries, tomatoes, walnuts.
 - (e) 0.3 part per million in or on beans.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the Federal Register file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objections. If a hearing is requested, the objections must state

the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 408(d) (2), 68 Stat. 512; 21 U.S.C. 346a (d) (2))

Dated: May 26, 1960.

[SEAL] GEO. P. LARRICK, Commissioner of Food and Drugs. [F.R. Doc. 60-5022; Filed, June 2, 1960; 8:50 a.m.]

Title 26—INTERNAL REVÉNUE, 1954

[T.D. 6467]

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER E-ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

PART 186—GAUGING MANUAL

Miscellaneous Amendments

On March 24, 1960, a notice of proposed rule making regarding amendment of 26 CFR Part 186, with respect to the gauging of distilled spirits (including alcohol), was published in the FEDERAL REGISTER (25 F.R. 2487).

In accordance with the notice, interested parties were afforded an opportunity to submit written data, views, or arguments, pertaining thereto. No objections were received within the 30-day period prescribed in the notice. However, it has been determined administratively to make certain clarifying, liberalizing, and editorial changes. Accordingly, the amendments as published in the Federal Register are hereby adopted, subject to the changes set forth below:

- 1. Section 186.23 of the notice is changed as follows:
- (A) By striking from the last sentence the words "should be" immediately following the words "final proof" and by inserting in lieu thereof the word "is"; and
- (B) By adding immediately following the last sentence, a new sentence to read "In such cases, if the hundredths decimal is less than five, it will be dropped; if it is five or over, a unit will be added."
- 2. Sections 186.31, 186.32 and 186.36 of the notice are changed.
- 3. Section 186.43 of the notice is changed by inserting, in the first sentence and immediately following the words "or in pounds and ounces" the words ", or pounds and hundredths of a pound."
- 4. Section 186.51 of the notice is changed by striking the first four sentences, and inserting in lieu thereof, the following: "Where the quantity of spirits (including denatured spirits) is

to be determined by volume as authorized by this chapter, the measurement shall be made in tanks, or by meters or other devices or methods authorized by the Director, or as otherwise provided in this chapter, or such measurement may be made in tank cars or tank trucks if calibration charts for such conveyances are provided and such charts have been accurately prepared, and certified as accurate, by engineers or other persons qualified to calibrate such convevances. Volumetric measurements in tanks shall be made only in accurately calibrated tanks equipped with guage glasses, float guages, steel tapes, or other suitable measuring devices, whereby the actual contents can be correctly ascertained."

- 5. Section 186.61 of the notice is changed.
- 6. Section 186.67 of the notice is changed by striking the last four sentences, and inserting in lieu thereof, the following:

Example. It is desired to correct spirits of 180 proof at 51 degrees temperature:

 $1.006 (50^{\circ}) - 1.005 (52^{\circ}) = 0.001 \div 2 = 0.0005$ 0.0005 + 1.005 = 1.0055 correction factor at 51° F.

Example. It is desired to correct spirits of 180 proof at 53 degrees temperature:

 $1.005~(52^{\circ}) - 1.003~(54^{\circ}) = 0.002 \div 2 = 0.001$ 0.001 + 1.003 = 1.004 correction factor at 53° F.

Where the percent of proof is other than a multiple of five, the difference, if any, between the factors for the next higher and lower proofs should be divided by five and multiplied by the degrees of proof beyond the next lower proof, and the fractional product so obtained should be added to the factor for the next lower proof (if the temperature is above 60 degrees Fahrenheit, the fractional product so obtained must be subtracted from the factor for the next lower proof), or if it is also necessary to correct the factor because of odd temperature, to the temperature corrected factor for the next lower proof.

Example. It is desired to ascertain the correction factor for spirits of 112 proof at 47 degrees temperature:

 $1.006 (46^{\circ}) - 1.005 (48^{\circ}) = 0.001 \div 2 = 0.0005$ 0.0005 + 1.005 = 1.0055 corrected factor at

0.0004+1.0055 (corrected factor at 47° F.) =1.0059 correction factor to be used for 112 proof at 47° F.

Example. It is desired to ascertain the correction factor for spirits of 97 proof at 93 degrees temperature:

 $0.986~(92°)-0.985~(94°)=0.001\div2=0.0005\\0.0005+0.985=0.9855~corrected~factor~at~93°~F., \label{eq:factor}$

0.986 (95 proof) -0.985 (100 proof) =0.001 0.001 ÷ 5 = 0.0002 (for each percent of proof)

X2 (for 97 proof) = 0.0004
0.9855 (corrected factor at 93° F.) = 0.0004
= 0.9851 correction factor to be used for 97 proof at 93° F.

This Treasury decision shall be effective on July 1, 1960.

This Treasury decision is issued under the authority contained in section 7895 of the Internal Revenue Code of 1954 spirits. Tables 1-7, together with their (68A Stat. 917; 26 U.S.C. 7805).

DANA LATHAM. Commissioner of Internal Revenue.

Approved: May 27, 1960.

FRED C. SCRIBNER, Jr., Acting Secretary of the Treasury.

In order to implement certain provisions of the Internal Revenue Code of 1954, as amended by Public Law 85-859, as they relate to the gauging of distilled spirits (including alcohol); to clarify and prescribe the methods or techniques of gauging; and to make editorial and corrective changes, 26 CFR Part 186 is amended as follows:

Subpart A-Scope of Regulations

Sec.

Gauging of distilled spirits. 186.1

Subpart B-Definitions

186.11 Meaning of terms.

Subpart C-Gauging Instruments

186.21 General requirements.

Hydrometers and thermometers.

186.23 Use of precision hydrometers and thermometers.

Use of U.S. standard hydrometers and 186.24 thermometers.

186.25 Gauging instruments of unusual or costly design.

Subpart D-Gauging Procedures

186.31 Determination of proof.

Determination of proof obscuration. 186.32

DETERMINATION OF QUANTITY

186.36 General requirements.

DETERMINATION OF QUANTITY BY WEIGHT

186.41 Bulk spirits.

Denatured spirits. 186.42

Packaged spirits. 186.43 186.44

Entry or filling gauge for packages. 186.45

Withdrawal gauge for packages.

DETERMINATION OF QUANTITY BY VOLUME

186.51 Procedure for méasurement.

Subpart E—Prescribed Tables

186.61 Table 1, showing the true percents of proof spirit for any indication of the hydrometer at temperatures between zero and 100 degrees Fahrenheit.

186.62 Table 2, showing wine gallons and proof gallons by weight.

186.63 Table 3, for determining the number of proof gallons from the weight

and proof of spirituous liquor.

186.64 Table 4, showing the fractional part of a gallon per pound at each percent and each tenth percent of proof of spirituous liquor.

186.65 Table 5, showing the weight per wine gallon (at 60 degrees Fahrenheit) and proof gallon at each percent of proof of spirituous liquor.

186.66 Table 6, showing respective volumes of alcohol and water and the specific gravity in both air and vacuum of spirituous liquor.

186.67 Table 7, for correction of volume of spirituous liquors to 60 degrees Fahrenheit.

Subpart A-Scope of Regulations

§ 186.1 Gauging of distilled spirits.

This part, the "Gauging Manual", relates to the gauging of distilled spirits. By "gauging" is meant the determination of the proof and the quantity of distilled instructions, are provided as a part hereof and should be used, wherever applicable, in making the necessary computations from gauge data. Table 1 provides a method for correcting hydrometer indications at temperatures between 0 and 100 degrees Fahrenheit to true proof. If distilled spirits contain dissolved solids, temperature-correction of the hydrometer reading by the use of this table would result in apparent proof rather than true proof. Tables 2 and 3 show the gallonage of spirituous liquor according to weight and proof, Table 4 shows the gallons per pound at each onetenth proof from 1 to 200 proof, Table 5 shows the weight per wine gallon and proof gallon at each proof, Table 6 shows the volumes of alcohol and water, and the specific gravity (air and vacuum) of spirituous liquor at each proof, and Table 7 provides a means of ascertaining the volume (at 60 degrees Fahrenheit) of spirits at various temperatures ranging from 18 degrees through 100 degrees Fahrenheit. The procedures prescribed in, or authorized under the provisions of, this part shall, except as may be otherwise authorized in this chapter, be followed in making any determination of quantity or proof of distilled spirits required by or under the authority of regulations in this chapter.

(72 Stat. 1358; 26 U.S.C. 5204)

Subpart B—Definitions

§ 186.11 Meaning of terms.

When used in this part, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meanings ascribed in this section. Words in the plural form shall include the singular. and vice versa, and words importing the masculine gender shall include the feminine. The terms "includes" and "including" do not exclude things not enumerated which are in the same general class.

Assistant regional commissioner. An assistant regional commissioner (alcohol and tobacco tax) who is responsible to. and functions under the direction and supervision of, a regional commissioner.

Bulk conveyance. Any tank car, tank truck, tank ship, tank barge, or other similar container approved by the Director, authorized for the conveyance of spirits (including denatured spirits) in bulk.

CFR. The Code of Federal Regula-

Container. Any receptacle, vessel, or form of package, bottle, tank, or pipeline used, or capable of use, for holding, storing, transferring or conveying distilled spirits.

Denatured spirits or denatured alcohol. Spirits to which denaturants have been added pursuant to formulas prescribed in Part 212 of this chapter.

Director. The Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington, D.C.

Gallon or wine gallon. The liquid measure equivalent to the volume of 231 cubic inches.

I.R.C. The Internal Revenue Code of 1954, as amended.

Internal revenue officer. An officer or employee of the Internal Revenue Service duly authorized to perform any function relating to the administration or enforcement of this chapter.

Package. Any cask, barrel, drum, or similar container approved under the

provisions of this chapter.

Proof. The ethyl alcohol content of a liquid at 60 degrees Fahrenheit, stated as twice the percent of ethyl alcohol by volume.

Proof gallon. A United States gallon of proof spirits, or the alcoholic equivalent thereof.

Proof spirits. That liquid which contains one-half its volume of ethyl alcohol of a specific gravity of seven thousand nine hundred and thirty-nine tenthousandths (0.7939) in vacuum at 60 degrees Fahrenheit referred to water at 60 degrees Fahrenheit as unity.

Regional commissioner. A regional commissioner of internal revenue.

Spirits, spirituous liquor, or distilled spirits. That substance known as ethyl alcohol, ethanol, or spirits of wine, including all dilutions and mixtures thereof, from whatever source or by whatever process produced, and shall include whisky, brandy, rum, gin, and vodka, but not denatured spirits unless specifically stated.

Tax gallon. The unit of measure of spirits for the imposition of tax under section 5001, I.R.C. When spirits are 100 degrees of proof or more, the tax is determined on a proof gallon basis. When spirits are less than 100 degrees of proof, the tax is determined on a wine gallon basis.

This chapter. Chapter I, Title 26, CFR.

U.S.C. The United States Code.

(72 Stat. 1315; 26 U.S.C. 5002)

Subpart C—Gauging Instruments

§ 186.21 General requirements.

Internal revenue officers shall use only hydrometers and thermometers furnished by the Government: Provided, That the Director may authorize internal revenue officers to use, as prescribed in § 186.25, approved gauging instruments of unusual or costly design furnished by the proprietor. From time to time internal revenue officers shall verify the accuracy of hydrometers and thermometers used by proprietors. proof of distilled spirits and rectified products shall be determined by the use of gauging instruments as prescribed in this part.

(72 Stat. 1358; 26 U.S.C. 5204)

§ 186.22 Hydrometers and thermom-

The hydrometers furnished to internal revenue officers are graduated to read the proof of aqueous alcoholic solutions at 60 degrees Fahrenheit; thus, they read, 0 for water, 100 for proof spirits, and 200 for absolute alcohol. Because of temperature-density relationships and the selection of 60 degrees Fahrenheit for reporting proof, the hydrometer readings will be less than the true percent of proof at temperatures below 60 degrees Fahrenheit and greater than

the true percent of proof at temperatures above 60 degrees Fahrenheit. Hence, corrections are necessary for hydrometer readings at temperatures other than 60 degrees Fahrenheit. Precision hydrometers shall be used for gauging large quantities of spirits, such as bulk gauging for tax payment. Hydrometers and thermometers shall be used and the true percent of proof shall be determined in accordance with § 186.31. Hydrometers are designated by letter according to range of proof and are provided in ranges and subdivisions of stems as follows:

		Suo-
U.S. Standard:	Range	division
A	0 to 100	1.0°
В	80 to 120	0.5°
C	100 to 140	0.5
D	130 to 170	0. 5°
E	160 to 206	0. 5°
Precision:		•
F	0 to 20	0. 2°
G	20 to 40	0. 2°
H	40 to 60	0. 2°
I	60 to 80	0. 20
K	75 to 95	0. 2°
L	 90 to 110 	0. 2°
M	105 to 125	0. 2°
N	125 to 145	0. 2°
P	145 to 165	0. 2°
Q	165 to 185	0. 2°
Ř	185 to 206	0. 2°

Thermometers are designated by type according to range of degrees Fahrenheit and are provided in ranges and subdivisions of degrees as follows:

Type Copper cup	Range 0° to 100°	division
Pencil type V-back	10° to 100° 10° to 100°	1° 1°
Glass shell (earlier model)	40° to 100° 40° to 100°	140

(72 Stat. 1358; 26 U.S.C. 5204)

§ 186.23 Use of precision hydrometers and thermometers.

Care should be exercised to obtain accurate hydrometer and thermometer readings. In order to accomplish this result, the following precautions should be observed. Bulk spirits should be thoroughly agitated so that the test sample will be representative of the entire quantity. The hydrometer should be kept clean and free of any oily substance. Immediately before readings are taken, the glass cylinder containing the thermometer should be rinsed several times with the spirits which are to be gauged so as to bring both the cylinder and the thermometer to the temperature of the spirits (if time permits, it is desirable to bring both the spirits and the instruments to room temperature). If the outer surface of the cylinder becomes wet, it should be wiped dry to avoid the cooling effect of rapid evaporation. During the readings the cylinder should be protected from drafts or other conditions which might affect its temperature or that of the spirits which it contains. The hands should not be placed on the cylinder in such a manner as to warm the liquid contained therein. The hydrometer should be inserted in the liquid and the hydrometer bulb raised and lowered from top to bottom 5 or 6 times to obtain an even temperature distribution over its surface, and, while the hydrometer bulb remains in the liquid, the stem should be dried and the hydrometer allowed to come to rest without wetting more than a few tenths

degrees of the exposed stem. Special care should be taken to ascertain the exact point at which the level of the surface of the liquid intersects the scale of proof in the stem of the hydrometer. The hydrometer and thermometer should be immediately read, as nearly simultaneously as possible. In reading the hydrometer, a sighting should be made slightly below the plane of the surface of the liquid and the line of sight should then be raised slowly, being kept perpendicular to the hydrometer stem, until the appearance of the surface changes from an ellipse to a straight line. The point where this line intersects the hydrometer scale is the correct reading of the hydrometer. When the correct readings of the hydrometer and the thermometer have been determined, the true percent of proof shall be ascertained from table 1. Another sample of the spirits should then be taken and be tested in the same manner so as to verify the proof originally ascertained. Hydrometer readings should be made to the nearest 0.05 degree and thermometer readings should be made to the nearest 0.1 degree, and instrument correction factors, if any, should be applied. It is necessary to interpolate in table 1 for fractional hydrometer and thermometer readings.

Example. A-hydrometer reads 192.85° at 72.10° F. The correction factors for the hydrometer and the thermometer, respectively are minus 0.03° and plus 0.05°. The corrected reading, then, is 192.82° at 72.15° F.

From table 1: 193.0° at 72.0° F.=190.2° 192.0° at 72.0° F.=189.1°

Difference = 1.1°

192.0° at 72.0° F.=189.1° 192.0° at 73.0° F.=188.9°

Difference = 0.2°

The hydrometer difference (1.1°) multiplied by the fractional degree of the hydrometer reading $(0.82^{\circ}) = 0.902$.

The temperature difference (0.2°) multiplied by the fractional degree of the temperature

reading (0.15°) = 0.03°.

Proof at 60° F.=189.1+0.902-0.03=189.972° =190.0°.

As shown, the final proof is rounded to the nearest tenth of a degree of proof. In such cases, if the hundredths decimal is less than five, it will be dropped; if it is five or over, a unit will be added.

(72 Stat. 1358; 26 U.S.C. 5204)

§ 186.24 Use of U.S. standard hydrometers and thermometers.

In general, the care prescribed for reading precision instruments should also be used for gauging in which U.S. standard hydrometers (A to E) and thermometers graduated in full degrees are employed. However, when using such instruments, they are read to the nearest half degree, and the true proof determined from table 1 (interpolating as prescribed in § 186.23) is rounded to the nearest whole degree. In rounding the true proof to the nearest whole degree, if the decimal is less than five, it will be dropped; if it is five or over, a unit will be added.

(72 Stat. 1358; 26 U.S.C. 5204) .

§ 186.25 Gauging, instruments or unusual or costly design.

The Director may authorize the use of instruments of unusual or costly design (in lieu of those specified in this part) for making official gauges, if such instruments permit the internal revenue officer to more efficiently and accurately determine the proof and the quantity of distilled spirits, and the proprietor desires to furnish such instruments at his expense. Such instruments shall be placed in the custody of the internal revenue officer. A proprietor who proposes to use instruments of unusual or costly design shall submit a written application (in triplicate) to the assistant regional commissioner, describing the instruments and their advantages. The assistant regional commissioner shall make appropriate inquiries as to such instruments and whether approval thereof will hinder the effective administration of this chapter or result in jeopardy to the revenue. On completion of the inquiry, the assistant regional commissioner will forward two copies of the application to the Director, Alcohol and Tobacco Tax Division, together with a report of his findings and his recommendations. Where the instruments cannot be adequately described in the application. drawings or photographs should also be submitted.

(72 Stat. 1358; 26 U.S.C. 5204)

Subpart D—Gauging Procedures

§ 186.31 Determination of proof.

The proof of spirits shall be determined as follows-

- (a) The proof of spirits in bond shall be determined by the use of a hydrometer and a thermometer in accordance with the provisions of sections 186.23 and
- (b) The proof of spirits in packages to be withdrawn from bond on the basis of individual package gauge shall be determined to the nearest tenth but shall be rounded to a whole degree, which shall be the proof used in determining the proof or taxable gallons. In rounding off, where the decimal is less than five it will be dropped; where it is five or over a unit will be added:
- (c) The proof of spirits to be transferred in bond or withdrawn from bond in bulk conveyances or by pipeline free of tax or without payment of tax, shall be determined to the nearest tenth and. if not adjusted to a whole degree, shall be rounded to a whole degree and such whole degree shall be the proof of transfer or withdrawal and shall be used in determining the proof gallons;
- (d) The proof of spirits to be withdrawn after tax determination in bulk conveyances or by pipeline shall be determined to the nearest tenth, which shall be used in determining the taxable gallons in accordance with table 4 of this part:
- (e) The proof of tax-determined spirits which have not been rectified (or which have been rectified without the addition of materials containing solids)

shall be determined by the use of a hydrometer and a thermometer, except that the proof of imported spirits to be bottled without rectification, after withdrawal from customs bond on tax determination. shall be determined on the same basis as was used for customs purposes. basis of such determination shall be supported by a copy of the Customs chemist's report which shall be available for inspection by Internal Revenue officers. If the Customs chemists's report of alcoholic content has not been received, the bottler may bottle the spirits provided he ascertains the apparent proof and obscuration caused by solids in the spirits. If the solids content, ascertained before and after reduction of the spirits, exceeds 0.200 gram per 100 milliliters. representing an obscuration of more than 0.8° proof, the true proof may be used on labels. If the solids content exceeds 0.600 gram per 100 milliliters, the true proof is to be ascertained by the distillation or laboratory method prescribed respectively in paragraphs (f)(2) and (f) (3) of this section. If the solids content is 0.200 gram per 100 milliliters or less, representing an obscuration of 0.8° proof or less, the apparent proof shall be used on labels);

(f) The proof of spirits to which materials containing solids have been added in a process of rectification, but which contain not more than 600 milligrams of solids per 100 milliliters, may be determined (1) by the direct use of a hydrometer and a thermometer, or (2) by the use of a hydrometer and a thermometer after the spirits have been distilled in a small laboratory still and restored to the original volume and temperature by the addition of pure water to the distillate, or (3) by a recognized laboratory method which is equal or superior in accuracy to the distillation method: Provided. That where the proof of such spirits is determined by the use of a hydrometer and a thermometer, the proof so determined may be corrected by adding thereto the obscuration determined as prescribed in § 186.32: and

(g) The proof of spirits containing solids in excess of 600 milligrams per 100 milliliters, and of cordials, liqueurs, and other rectified products containing such excess of solids, shall be determined by the distillation or laboratory method prescribed respectively in paragraphs (f) (2) and (f) (3) of this section.

The Director may also authorize, as prescribed in § 186.25, the use of instruments of unusual or costly design for making gauges, if such instruments more efficiently and accurately determine the proof and quantity of the spirits.

(72 Stat. 1357, 1358, 1362; 26 U.S.C. 5202, be determined by weight or, whenever 5204, 5211)

§ 186.32 Determination of proof obscuration.

Solids or other substances in solution in beverage spirits have an effect on the specific gravity of the spirits and, depending on the density or specific gravity of the substances, obscure the true proof of the liquid. Experience has shown that 0.1 gram (100 milligrams) of solids per 100 milliters will obscure the true proof by 0.4 of 1 degree of proof. The amount of solids in the spirits may be determined—

(a) By evaporating the water and alcohol from a carefully measured 25 milliliter sample of the spirits, drying the residue at 100 degrees centigrade for 30 minutes and then weighing the residue precisely. The number of grams of solids thus determined, multiplied by 4, will give the amount of solids in 100 milliliters of the spirits, and that figure, multiplied by 4, will give the obscuration. For example, if a blended whisky contains 0.25 gram of solids per 100 milliliters, the obscuration is 4 times 0.25, which is one degree of proof. This value, added to the temperature corrected hydrometer reading, will give the true proof; or

(b) By determining the apparent proof and temperature of the sample of spirits and then by distilling a carefully measured sample in a small laboratory still, and collecting a quantity of the distillate, 1 or 2 milliliters less than the original sample. The distillate is adjusted to the original temperature and restored to the original volume by addition of distilled water. The proof of the restored distillate is then determined by use of a precision hydrometer and thermometer in accordance with the provisions of §§ 186.23 and 186.24 except that such proof shall be determined to the nearest 0.1 degree of proof. The difference between the proof so determined and the apparent proof of the undistilled sample is the obscuration; or

(c) By determination of the specific gravity of the undistilled sample, distillation and restoration of the samples as provided in paragraph (b) of this section and determination of the specific gravity of the restored distillate by means of a pycnometer. The specific gravities so obtained will be converted to degrees of proof by interpolation of Table 6 to the nearest 0.1 degree of proof. The difference in proof so obtained is the obscuration; or

(d) In the case of imported bulk spirits, by comparing the apparent proof of the product with the laboratory determined true proof received from the Customs chemist, the difference being the obscuration factor.

(72 Stat. 1358; 26 U.S.C. 5204)

DETERMINATION OF QUANTITY

§ 186.36 General requirements.

The quantity of distilled spirits shall be determined by weight or, whenever permitted by this chapter, by volume. The quantity of denatured distilled spirits may be determined either by weight or by volume. Where determination of quantity of distilled spirits or denatured distilled spirits by volume is authorized, such determination may, when approved by the Director, be by

meter or other device. The Director may also authorize the determination of quantity of distilled spirits or denatured distilled spirits by a statistical control method.

(72 Stat. 1357, 1358; 26 U.S.C. 5202, 5204)

DETERMINATION OF QUANTITY BY WEIGHT § 186.41 Bulk spirits.

When spirits (including denatured spirits) are to be gauged by weight in bulk quantities, the weight shall be determined by means of weighing tanks, mounted on accurate scales. Before each use, the scales shall be balanced at zero load; thereupon the spirits shall be run into the weighing tank and proofed: Provided, That where the spirits are to be reduced in proof as authorized by this chapter, the spirits shall be so reduced before final determination of the proof. The scales shall then be brought to a balanced condition and the weight of the spirits determined by reading the beam to the nearest graduation mark. From the weight and the proof thus ascertained, the quantity of the spirits in proof gallons shall be determined by reference to table No. 4. When it is desired to withdraw a portion of the contents of a weighing tank, the difference between the quantity (ascertained by proofing and weighing) in the tank immediately before the removal of the spirits and the quantity (ascertained by proofing and weighing) in the tank immediately after the removal of the spirits shall be the quantity considered to be withdrawn.

(72 Stat. 1357, 1358; 26 U.S.C. 5202, 5204)

§ 186.42 Denatured spirits.

The quantity, in gallons, of any lot or package of specially denatured spirits may be determined by weighing it and then dividing its weight by the weight per gallon of the formula concerned, as given in the appropriate tables in subpart H of Part 212 of this chapter. In the case of completely denatured spirits, the gallonage of any lot or package may be ascertained by determining its weight and apparent proof (hydrometer indication, corrected to 60 degrees Fahrenheit) and then multiplying the weight by the wine gallons per pound factor shown in table No. 4 for the (apparent) proof.

(72 Stat. 1358; 26 U.S.C. 5204)

§ 186.43 Packaged spirits.

When the quantity of spirits (including denatured spirits when gauged by weight) in packages, such as barrels, drums, and similar portable containers, is to be determined by gauge of the individual packages, such quantity shall be determined by weighing each package on an accurate weighing beam or platform scale having a beam or dial showing weight in pounds and half pounds, where packages having a capacity in excess of 10 wine gallons are to be gauged, or in pounds and ounces, or pounds and hundredths of a pound, where packages designed to hold 10 wine gallons or less are to be gauged.

In either case the tare must be determined and subtracted from the gross weight to obtain the net weight. From the proof and weight ascertained, the quantity of the spirits in proof gallons shall be determined by reference to table 2, 3, or 4.

(72 Stat. 1357, 1358, 1362; 26 U.S.C. 5202, 5204, 5211)

§ 186.44 Entry or filling gauge for packages.

(a) General. The spirits in the tank from which the packages are to be filled shall be thoroughly agitated before taking the proof. The proof determined after such agitation shall be regarded as the proof of the spirits run into all packages filled from the tank. No package which contains or has on its interior or exterior any substance which will prevent the correct ascertainment of tare shall be used. The tare or weight of empty packages shall be determined immediately prior to filling, except that the tare of a number of packages may be ascertained before any are filled but not exceeding the number which are to be filled on the same or the following day. An average tare (rounded to the nearest half pound, as described in section 186.45 for wooden packages) may be ascertained and used for metal packages of the same kind and capacity produced by the same manufacturer which are to be filled with spirits for industrial use, or with denatured spirits, by weighing not less than 20 percent of any lot of such packages. Not less than two packages shall be weighed to determine the average tare of any lot of five metal packages to be filled. The tares shall be recorded on the gauge report at the time they are ascertained. Whenever there is a change in the specifications as to capacity and weight of cooperage, the proprietor shall give notice to the internal revenue officer. When the packages have been filled, the gross weight of each will be ascertained. The wine gallon (if desired) and proof gallon contents may be determined from the proofs and the net weights of the packages, by the use of table 2, 3, or 4, whichever is applicable.

(b) Weighing packages of more than 10 wine gallons. The weight of packages having a capacity in excess of 10 wine gallons shall be determined and recorded

in pounds and half pounds. (c) Weighing containers of 10 wine gallons or less. The weight for packages and other containers of a capacity of 10 wine gallons or less shall be determined in pounds and ounces, or pounds and hundredths of a pound, and shall be recorded in pounds and hundredths of a pound. The equivalent pounds and hundredths of a pound and the corresponding wine gallons and proof gallons shall be expressed as shown in the following table for the respective weights in pounds and ounces and proofs shown

therein or, as applicable, computed in

accordance with rules in this section.

190 PROOF SPIRITS

	Weig	ht of con	tents		
Size of container, wine gallons	Pounds	Ounces	Weight in pounds and hun- dredths of a pound	Con- tents in wine gallons	Proof gallons
1 2 5 10	6 13 34 68	13 10 00 00	6. 81 13. 63 34. 00 68. 00	1 2 5 10	1. 9 3. 8 9. 5 19. 0
	192	PROOF	SPIRITS		
1 2 5 10	6 13 33 67	13 9 13 10	6. 81 13. 56 33. 81 67. 63	1 2 5 10	1. 9 3. 8 9. 6 19. 2
	200	PROOF	Spirits	_	
12 25 10	6 13 33 66	10 4 1 2	6. 63 13. 25 33. 06 66. 12	1 2 5 10	2. 0 4. 0 10. 0 20. 0

(d) Packages of other proofs or sizes. Where packages of proofs or sizes not shown above are to be filled, the following rule may be used for ascertaining the weight of the spirits to be placed in the package: Divide the number of gallons representing the quantity of spirits to be placed in the container by the fractional part of a gallon equivalent to one pound, to obtain the weight of the spirits in pounds and fractions of a pound to two decimal places. Reduce the decimal fraction of a pound to ounces by multiplying by 16, calling any fraction of an ounce a whole ounce. The pounds and ounces thus obtained will determine the point to which the spirits must be weighed to produce the results desired. If it is required to mark the weight on the package in pounds and decimal fractions of a pound, it will be necessary to convert the ounces to hundredths of a pound. The fraction of a gallon equivalent to one pound at any given proof shall be ascertained by reference to table No. 4.

Example. It is desired to fill a one-gallon can with precisely one wine gallon of 194 proof spirits:

1.00 divided by 0.14866 = 6.73 pounds. 0.73 multiplied by 16=11.68 ounces,

rounded to 12 ounces.

Weight of spirits-6 pounds, 12 ounces. Weight, if required, to be marked on can-6.75 pounds.

(72 Stat. 1357, 1358, 1362; 26 U.S.C. 5202, 5204, 5211)

§ 186.45 Withdrawal gauge for pack-

When wooden packages are to be individually gauged for withdrawal, actual or (on approval by the internal revenue officer) average tare of the packages shall be determined. The actual tare of a package shall be determined by weighing it after its contents (including rinse water, if any) have been temporarily

removed to a separate container or vessel. The average tare method may be used only for lots of spirits of the same kind and cooperage which were warehoused within a period of ten days of each other at proofs differing by not more than 10 percent. Packages which have been changed in cooperage may not be included as a part of a lot containing packages not so changed. Packages which have been consolidated for further storage in bond may not be included as a part of a lot containing packages not so consolidated. The average increase in tare for a lot of spirits shall be established by finding the actual tare for not less than 20 percent of the packages to be gauged for withdrawal, and determining the actual increase in tare for such packages. Where application of the percentage to the number of packages to be withdrawn results in a fraction, the fraction will be counted as an additional package. The actual tares found shall be entered in the proper column of the gauge report for the packages for which they were determined, and an asterisk (*) shall be placed to the left of the serial numbers of such packages. The actual increase in tare of each such package shall be entered in the proper column of the gauge report and the average of these increases shall be determined by adding them together and dividing their sum by the number of packages weighed. If the average increase so found contains a fraction of a pound less than twenty-five hundredths (0.25), it shall be dropped; if twentyfive hundredths (0.25) or any intermediate fraction to and including seventyfive hundredths (0.75), it shall be called one-half pound; if above seventy-five hundredths (0.75), it shall be called one pound. The average increase in tare thus ascertained shall be regarded as the increase of each of the remaining packages enumerated in the application for withdrawal and shall be added to the entry tare of each such package to determine the withdrawal tare. When this method is used, the words "average tare taken" shall be entered conspicuously on the gauge report. The packages to be used for the determination shall be selected by the internal revenue officer, and not less than two packages shall be selected to determine the average increase in tare of any lot of five packages or less. If the increase in tare varies more than six pounds as between any two reused barrels in a lot, the average tare method may not be used for that lot and actual tare shall be taken on all of the packages. However, when any package selected for determining the average tare shows a decrease in tare or, except in the case of reused packages, no change in tare, the average tare method may not be used for that lot and actual tare shall be taken on all of the packages. Where the average tare method is used, the packages may not be rinsed. Where the contents of packages have been temporarily removed for determination of tare. the proof, if any rinse water is added to

the spirits, shall be determined after a thorough mixing of the rinse water and the spirits and before return of the spirits to the rinsed packages, and the gross weight shall be determined after the spirits and any added rinse water have been returned to the packages. When metal packages are to be individually gauged for withdrawal, the tare established at the time of filling shall be used unless it appears that there has been a change in tare or the established tare is incorrect, in which case a new tare will be established. From the proofs and the net weights of the packages, the wine gallon (if desired) and the proof gallon contents shall be determined by the use of table 2. If either the weight or the proof is beyond the limitations of table 2, either table 3 or table 4 may be used. (72 Stat. 1357, 1358; 26 U.S.C. 5202, 5204)

DETERMINATION OF QUANTITY BY VOLUME

§ 186.51 Procedure for measurement.

Where the quantity of spirits (including denatured spirits) is to be determined by volume as authorized by this chapter, the measurement shall be made in tanks, or by meters or other devices or methods authorized by the Director, or as otherwise provided in this chapter, or such measurement may be made in tank cars or tank trucks if calibration charts for such conveyances are provided and such charts have been accurately prepared, and certified as accurate, by engineers or other persons qualified to calibrate such conveyances. Volumetric measurements in tanks shall be made only in accurately calibrated tanks equipped with gauge glasses, float gauges, steel tapes, or other suitable measuring devices, whereby the actual contents can be correctly ascertained. If the temperature of spirits (including denatured spirits) is other than the standard of 60° Fahrenheit, gallonage determined by volumetric measurements shall be corrected to the standard temperature by means of table No. 7. In the case of denatured spirits, the temperaturecorrection factor for the proof of the spirits used in denaturation will give sufficiently accurate results, except that the temperature-correction factor used for specially denatured spirits, Formula No. 18, should be that given in table No. 7 for 100 proof spirits. When the quantity of spirits, in wine gallons, has been determined by volumetric measurement, the number of proof gallons shall be obtained by multiplying the wine gallons by the proof of the spirits.

Example.	
Gauge glass readinginches	88.
Wine gallons per inch	48 98
Temperature • F	72
Proof of spirits	86.8
Temperature correction factor (table	00.0
7)	

 $48.96~W.G.\times88=4308.48$ wine gallons. $4308.48~W.G.\times0.995=4286.94$ wine gallons. $4286.94~W.G.\times0.868=3721.06392=3721.1$ proof gallons.

(72 Stat. 1357, 1358; 26 U.S.C. 5202, 5204)

Subpart E-Prescribed Tables

§ 186.61 Table 1, showing the true percent of proof spirit for any indication of the hydrometer at temperatures between zero and 100 degrees Fahrenheit.

This table shows the true percent of proof of distilled spirits for indications of the hydrometer likely to occur in practice at temperatures between zero and 100° Fahrenheit and shall be used in determining the proof of spirits. The left-hand column contains the reading of the hydrometer and on the same horizontal line, in the body of the table, in the "Temperature" column corresponding to the reading of the thermometer is the corrected reading or "true percent of proof." The table is computed for tenths of a percent.

Example.		
Temperature, * F	75	
Hydrometer reading	193	
True percent of proof	189.	5

If the proof is to be determined to the nearest whole degree, a decimal of less than five will be dropped; if the decimal is five or over, a unit will be added.

Examples.	•
Temperature, ° F	69
Hydrometer reading	114
True percent of proof	110.
Rounded to	110
Temperature, ° F	69
Hydrometer reading	117
True percent of proof	113.
Rounded to	114

Where fractional readings are ascertained, the proper interpolations will be made (see § 186.23). If the distilled spirits contain dissolved solids, temperature-correction of the hydrometer reading by the use of this table would result in apparent proof rather than true proof.

(72 Stat. 1357, 1358; 26 U.S.C. 5202, 5204)

§ 186.62 Table 2, showing wine gallons and proof gallons by weight.

The wine and proof gallon content by weight and proof of packages of distilled spirits usually found in actual practice will be ascertained from this table. The left-hand column contains the weights. The true percent of proof is shown on the heading of each page in a range from 90 degrees to 200 degrees. Under the true percent of proof and on the same horizontal line with the weight will be found the wine gallons (at 60 degrees Fahrenheit) and the proof gallons respectively. Where either the weight or the proof of a quantity of spirits is beyond the limitations of this table, the number of proof gallons may be ascertained by reference to table 3. This table may also be used to ascertain the wine gallons at 60 degrees Fahrenheit) and proof gallons of spirituous liquor containing dissolved solids where the weight, apparent proof (hydrometer indication corrected to 60 degrees Fahrenheit), and obscuration factor have been determined.

Example.
334 lbs. of distilled spirits
Apparent proof—105.0°.

Obscuration—0.8°.
True Proof $105.0^{\circ}+0.8^{\circ}=105.8^{\circ}=106^{\circ}$.
334 lbs. at 105.0° apparent proof=43.2 wine gallons.
43.2 wine gallons×1.06=45.8 proof gallons.

In addition this table may be used to obtain the wine gallons, at the prevailing temperature, of most liquids within the range of the table, from the weight of the liquid and the uncorrected reading of the hydrometer stem. An application of this would be in determining the capacity of a package.

Example. It is desired to determine, or to check, the rated capacity of a package having a net weight of 395 pounds when completely filled with spirits having an uncorrected hydrometer reading of 113.0°. The full capacity of the package, 51.5 wine gallons, would be found by referring to the table at 395 pounds and 113° proof (hydrometer reading).

(72 Stat. 1357, 1358, 1362; 26 U.S.C. 5202, 5204, 5211)

§ 186.63 Table 3, for determining the number of proof gallons from the weight and proof of spirituous liquor.

Where the weight or proof of a quantity of distilled spirits is not found in Table 2, the proof gallons may be ascertained from Table 3. The wine gallons (at 60 degrees Fahrenheit) may be ascertained by dividing the proof gallons by the proof.

Example. A tank car of spirits of 190 degrees of proof weighed 60,378 pounds net. We find—

1700	oj ganons
60,000 pounds equal to	16, 778. 4
300 pounds equal to	83.9
70 pounds equal to	19.6
8 pounds equal to	2.2
•	

16, 884. 1

That is, the total weight of 60,378 pounds of spirits at 190 proof is equal to 16,884.1 proof gallons. The equivalent gallonage for 70 pounds is found from the column 700 pounds by moving the decimal point one place to the left; that for 8 pounds from the column 800 pounds by moving the decimal point two places to the left.

Example. A package of spirits at 86 proof weighed 321½ pounds net. We find—

Prooj	Proof gallons	
300 pounds equal to	32.7	
20 pounds equal to	2.2	
1 pound equal to	1	
½ pound equal to	1	
	35. 1	

That is, 321½ pounds of spirits at 86 proof is equal to 35.1 proof gallons. The equivalent gallonage for 20 pounds is found from the column 200 pounds by moving the decimal point one place to the left; that for 1 pound from the column 100 pounds by moving the decimal point two places to the left: that for the ½ pound from the column 500 pounds by moving the decimal point three places to the left. Fractional gallons beyond the first decimal ascertained through use of this table will be dropped if less than 0.05 or will be added as 0.1 if 0.05 or more. The wine gallons (at 60 degrees Fahrenheit) may be determined by dividing the proof gallons by the proof. For example: 35.1 divided by 0.86 equals 40.8 wine gallons.

(72 Stat. 1358; 26 U.S.C. 5204)

§ 186.64 Table 4, showing the fractional part of a gallon per pound at each percent and each tenth percent of proof of spirituous liquor.

This table provides a method for use in ascertaining the wine gallon (at 60 degrees Fahrenheit) and/or proof gallon contents of containers of spirits by multiplying the net weight of the spirits by the fractional part of a gallon per pound shown in the table for spirits of the same proof. Fractional gallons beyond the first decimal will be dropped if less than 0.05 or will be added as 0.1 if 0.05 or more.

Example. It is desired to ascertain the wine gallons and proof gallons of a tank of 190 proof spirits weighing 81,000 pounds. $81,000 \times 0.14718 = 11,921.58 = 11,921.6$ wine gal-

 $81,000 \times 0.14718 = 11,921.58 = 11,921.6$ wine gallons.

 $81,000 \times 0.27964 = 22,650.84 = 22,650.8$ proof gallons.

This table may also be used for ascertaining the quantity of water required to reduce to a given proof. To do this, divide the proof gallons of spirits to be reduced by the fractional part of a proof gallon per pound of spirits at the proof to which the spirits are to be reduced, and subtract from the quotient the net weight of the spirits before reduction. The remainder will be the pounds of water needed to reduce the spirits to the desired proof.

Example. It is desired to ascertain the quantity of water needed to reduce 1,000 pounds of 200 proof spirits, 302.58 proof gallons, to 190 proof:

302.58 divided by 0.27964 equals 1,082.03 pounds, weight of spirits after reduction. 1,082.03 minus 1,000 equals 82.03 pounds, weight of water required to reduce to desired proof.

The slight variation between this table and tables 2, 3, and 5 on some calculations is due to the dropping or adding of fractions beyond the first decimal in those tables. This table may also be used to determine the wine gallons (at 60 degrees Fahrenheit) of distilled spirits containing dissolved solids from the total weight of the liquid and its apparent proof (hydrometer indication, corrected to 60 degrees Fahrenheit). The proof gallons may then be found by multiplying the wine gallons by the true proof.

Example.
5,350 pounds of blended whisky containing

added solids	
Temperature * F	75.0
Hydrometer reading	92.0°
Apparent proof	
Obscuration	
True proof	

5,350.0 lbs. $\times 0.12676$ (W.G. per pound factor for apparent proof of 85.5°) = 678.2 wine gallons.

678.2 W.G. $\times 0.86 = 583.3$ proof gallons.

(72 Stat. 1357, 1358, 1362; 26 U.S.C. 5202, 5204, 5211)

§ 186.65 Table 5, showing the weight per wine gallon (at 60 degrees Fahrenheit) and proof gallon at each percent of proof of spirituous liquor.

This table may be used to ascertain the weight of any given number of wine gallons (at 60 degrees Fahrenheit) or proof gallons of spirits by multiplying the pounds per gallon by the given number of gallons of the spirits. The table should be especially useful where it is desired to weigh a precise quantity of spirits.

Example. It is desired to ascertain the weight of 100 wine gallons of 190 proof spirits:

 6.79434×100 equals 679.43 pounds, net weight of 100 wine gallons of 190 proof spirits.

Example. It is desired to ascertain the weight of 100 proof gallons of 190 proof spirits:

3.57597×100 equals 357.60 pounds, net weight of 100 proof gallons of 190 proof spirits.

The slight variation between this table and Tables 2 and 3 on some calculations is due to dropping or adding of fractions beyond the first decimal on those tables. This table also shows the weight per wine gallon (at the prevailing temperature) corresponding to each uncorrected reading of a proof hydrometer.

(72 Stat. 1358; 26 U.S.C. 5204)

§ 186.66 Table 6, showing respective volumes of alcohol and water and the specific gravity in both air and vacuum of spirituous liquor.

This table provides an alternate method for use in ascertaining the quantity of water needed to reduce the strength of distilled spirits by a definite amount. To do this, divide the alcohol in the given strength by the alcohol in the required strength, multiply the quotient by the water in the required strength, and subtract the water in the given strength from the product. The remainder is the number of gallons of water to be added to 100 gallons of spirits of the given strength to produce a spirit of a required strength.

Example. It is desired to reduce spirits of 191 proof to 188 proof. We find that 191 proof spirits contains 95.5 parts alcohol and 5.59 parts water, and 188 proof spirits contains 94.0 parts alcohol and 7.36 parts water.

95.5 (the strength of 100 wine gallons of spirits at 191 proof) divided by 94.0 (the strength of 100 wine gallons of spirits at 188 proof) equals 1.01.

7.36 (the water in 188 proof) multiplied by 1.01 equals 7.43.

7.43 less 5.59 (the water in 191 proof spirits) equal 1.84 gallons of water to be added to each 100 wine gallons of 191 proof spirits to be reduced.

This rule is applicable for reducing to any proof; but when it is desired to reduce to 100 proof, it is sufficient to point off two decimals in the given proof, multiply by 53.73, and deduct the water in the given strength. Thus, to reduce 112 proof spirits to 100 proof:

1.12×53.73-47.75 equals 12.42 gallons of water to be added to each 100 wine gallons of spirits to be reduced.

This table may also be used to obtain the proof gallonage of spirituous liquor according to weight and percent of proof.

Example

It is desired to determine the number of gallons in 400 pounds of spirits of 141 percent of proof. Multiply the weight of one gallon of water in air by the specific gravity in air of the spirits—8.32823 by 0.83862—the product (7.40063) divided into 400 gives 54.049 wine gallons, which rounded to the nearest hundredth is 54.05 and multiplied by 1.41 gives 76.2 proof gallons. In rounding off where the decimal is less than five, it will be dropped; if it is five or over a unit will be added.

(72 Stat. 1358; 26 U.S.C. 5204)

§ 186.67 Table 7, for correction of volume of spirituous liquors to 60 degrees Fahrenheit.

This table is prescribed for use in correcting spirits to volume at 60 degrees Fahrenheit. To do this, multiply the wine gallons of spirits which it is desired to correct to volume at 60 degrees Fahrenheit by the factor shown in the table at the percent of proof and temperature of the spirits. The product will be the corrected gallonage at 60 degrees Fahrenheit. This table is also prescribed for use in ascertaining the true capacity of containers where the wine gallon contents at 60 degrees Fahrenheit have been determined by weight in accordance with Tables 2, 3, 4, or 5. This is accomplished by dividing the wine gallons at 60 degrees Fahrenheit by the factor shown in the table at the percent of proof and temperature of the spirits. The quotemperature of the spirits. tient will be the true capacity of the container.

Example. It is desired to ascertain the volume at 60 degrees Fahrenheit of 1,000 wine gallons of 190 proof spirits at 76 degrees Fahrenheit:

 $1,000 \times 0.991$ equals 991 wine gallons, the corrected gallonage at 60 degrees Fahrenheit.

Example. It is desired to ascertain the capacity of a container of 190 proof spirits at 76 degrees Fahrenheit, shown by Table 2 to contain 55.1 wine gallons at 60 degrees Fahrenheit:

55.1 divided by 0.991 equals 55.6 wine gallons, the true capacity of the container when filled with spirits of 60 degrees temperature.

It will be noted that the table is prepared in multiples of 5 percent of proof and 2 degrees temperature. Where the spirits to be corrected are of an odd temperature, one-half of the difference, if any, between the factors for the next higher and lower temperature, should be added to the factor for the next higher temperature.

Example. It is desired to correct spirits of 180 proof at 51 degrees temperature:

 $1.006~(50^{\circ})-1.005~(52^{\circ})=0.001\div 2=0.0005$ 0.0005+1.005=1.0055 correction factor at 51° F.

Example. It is desired to correct spirits of 180 proof at 53 degrees temperature:

 $1.005~(52^{\circ}) - 1.003~(54^{\circ}) = 0.002 \div 2 = 0.001$ 0.001 + 1.003 = 1.004 correction factor at 53° F. Where the percent of proof is other than a multiple of five, the difference, if any, between the factors for the next higher and lower proofs should be divided by five and multiplied by the degrees of proof beyond the next lower proof, and the fractional product so obtained should be added to the factor for the next lower proof (if the temperature is above 60 degrees Fahrenheit, the fractional product so obtained must be subtracted from the factor for the next lower proof), or if it is also necessary to correct the factor because of odd temperature, to the temperature corrected factor for the next lower proof.

Example. It is desired to ascertain the correction factor for spirits of 112 proof at 47 degrees temperature:

 $1.006 (46^{\circ}) - 1.005 (48^{\circ}) = 0.001 \div 2 = 0.0005$ 0.0005 + 1.005 = 1.0055 corrected factor at

1.007 (115 proof) -1.006 (110 proof) =0.001 0.001÷5=0.0002 (for each percent of proof) ×2 (for 112 proof) =0.0004

0.0004+1.0055 (corrected factor at 47° F.) =1.0059 correction factor to be used for 112 proof at 47° F.

Example. It is desired to ascertain the correction factor for spirits of 97 proof at 93 degrees temperature:

 $0.986 (92^{\circ}) - 0.985 (94^{\circ}) = 0.001 \div 2 = 0.0005$ 0.0005 + 0.985 = 0.9855 corrected factor at 93° F.

0.986 (95 proof) --0.985 (100 proof) =0.001 0.001 ÷5=0.0002 (for each percent of proof) ×2 (for 97 proof) =0.0004

0.9855 (corrected factor at 93° F.) -0.0004 =0.9851 correction factor to be used for 97 proof at 93° F.

(72 Stat. 1358; 26 U.S.C. 5204)

[F.R. Doc. 60-5023; Filed, June 2, 1960; 8:51 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications
Commission

[FCC 60-626]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULA-TIONS

Table of Geographic Assignment of Call Signs

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 25th day of May 1960:

The Commission, having under consideration § 2.303 of its rules and regulations, Table of Geographic Assignment of Call Signs, and

It appearing that the geographical assignment plan was devised primarily to aid the Field Engineering and Monitoring Bureau in certain of its enforcement functions, that it has been of little or no value in this regard in recent years, and that elimination of the plan will increase operating efficiency under present methods of call letter assignment;

It further appearing that the amendment adopted herein pertains to a matter of procedure, and hence that compliance with the notice, procedural,

and effective date requirements of the Administrative Procedure Act is unnecessary; and

It further appearing that the amendment adopted herein is issued pursuant to authority contained in sections 4(i), 303(o), 303(p), and 303(r) of the Communications Act of 1934, as amended;

It is ordered, That, effective May 25, 1960, § 2.303 of the rules and regulations is deleted.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: May 27, 1960.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5048; Filed, June 2, 1960; 8:53 a.m.]

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

Posting of Station Authorizations; Transmitter Identification

1. The Commission has under consideration editorial amendment of Part 21 of its Domestic Public Radio Services (Other than Maritime Mobile) Rules (§§ 21.201(b) and 21.202).

2. This amendment makes editorial clarification of the requirements of §§ 21.201(b) and 21.202 and conforms such sections to rules applicable to the use of transmitter identification card (FCC Form 452-C) in other radio services.

3. The amendment is non-substantive and editorial in nature. Therefore, prior publication of notice of proposed rule making pursuant to the provisions of section 4 of the Administrative Procedure Act is unnecessary.

4. The amendment adopted herein is issued pursuant to the authority contained in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and section 0.341(a) of the Commission's Stafement of Delegations of Authority.

5. In view of the foregoing: It is ordered, This 27th day of May 1960 that effective June 3, 1960, Part 21 of the Commission's rules, Domestic Public Radio Services (Other than Maritime Mobile) is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303).

Released: May 31, 1960.

[SEAL]

FEDERAL COMMUNICATIONS
COMMISSION,
BEN F. WAPLE,
Acting Secretary.

1. Section 21.201(b) is amended to read as follows:

§ 21.201 Posting of station authorizations.

(b) If the station is authorized for mobile operation or for operation at temporary fixed locations, the documents specified in paragraph (a) of this section shall be retained as a permanent part of the station record, but need not be posted.

2. Section 21.202 is amended to read as follows:

§ 21.202 Transmitter identification.

An executed transmitter identification card (FCC Form 452-C), or a plate of metal or other durable substance legibly indicating the station call sign and the licensee's name and address, shall be affixed, readily visible for inspection, to each base, land and fixed transmitter operated at a fixed location when the transmitter is not in view of, or is not readily accessible to, the operator at the principal control point. Such identification card or plate shall be affixed, readily visible for inspection, to each transmitter operated in a mobile unit or at a temporary fixed location: Provided, That, when the transmitter and its control equipment are both installed in the same vehicle, such identification card or plate shall be affixed to the control equipment at the transmitter operating position or posted adjacent thereto.

[F.R. Doc. 60-5047; Filed, June 2, 1960; 8:53 a.m.]

[Docket No. 13453; FCC 60-619]

PART 31—UNIFORM SYSTEM OF AC-COUNTS FOR CLASS A AND CLASS B TELEPHONE COMPANIES

Filing of Journal Entries Recording Acquisition of Plant

1. On March 30, 1960, the Commission adopted a notice of proposed rule making which was published in the FEDERAL REG-ISTER on April 6, 1960 (25 F.R. 2908) in accordance with section 4(a) of the Administrative Procedure Act. It was proposed to amend paragraph (e) of § 31.2-21 of Part 31 of the Commission's rules with respect to the reporting requirement for submission of journal entries recording the acquisition of telephone plant. This amendment would be accomplished by changing the dollar amounts specified from \$50,000 to \$100,-000 for Class A telephone companies and from \$25,000 to \$50,000 for Class B telephone companies. Thus, journal entries for plant acquired from predecessors would not be required from Class A telephone companies where the consideration paid is less than \$100,000 and from Class B telephone companies where the consideration paid is less than \$50,000.

2. The time for filing comments regarding the above-mentioned proposed rule making expired on May 2, 1960, and the time for filing comments in reply to the original comments expired on May 23, 1960. Comments were received from the American Telephone and Telegraph Company (AT&T), on behalf of itself and its associated telephone companies, and from the United States Independent Telephone Association (USITA). AT&T stated that the increases in the dollar criteria were very desirable changes and it pointed out that the entries for the exempted purchases would be analyzed in Schedule 13A, "Analysis of telephone plant acquired (Account 276)," of Annual Report Form M, filed with the Commission. USITA, through its Accounting Committee, expressed complete agreement with the proposed changes.

It appearing that the proposed rule making in this matter has indicated the desirability of amendment of Part 31 of the Commission's rules and regulations as proposed;

It is ordered, That under authority contained in sections 4(i) and 220(a) of the Communications Act of 1934, as amended, paragraph (e) of § 31.2-21 of Part 31 (Uniform System of Accounts for Class A and Class B Telephone Companies) of the Commission's rules is amended to read as follows:

§ 31.2-21 Telephone plant acquired.

(e) Except for telephone plant acquired by class A companies where the consideration paid is less than \$100,000 and by class B companies where the consideration paid is less than \$50,000, copies of journal entries recording acquisitions of telephone plant covered by this instruction shall be submitted to this Commission for consideration and approval. The text of such entries shall give a complete description of the property acquired and the basis upon which the amounts of the entries have been determined.

It is further ordered, That the amendment ordered herein be effective July 1,

(Sec. 4, 48 Stat. 1066, as amended, 47 U.S.C. 154. Interprets or applies sec. 220, 48 Stat. 1078, 47 U.S.C. 220)

Adopted: May 25, 1960. Released: May 27, 1960.

FEDERAL COMMUNICATIONS COMMISSION.

BEN F. WAPLE, [SEAL]

Acting Secretary.

[F.R. Doc. 60-5049; Filed, June 2, 1960; 8:53 a.m.1

Title 49—TRANSPORTATION

Chapter I-Interstate Commerce Commission

[Ex Parte No. 73]

PART 142-EXTENSION OF CREDIT TO SHIPPERS

Payment of Charges

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 19th day of May, A.D. 1960.

It appearing that by order dated August 6, 1958, the Commission reopened this proceeding for further hearing for the purpose of determining whether the time should be extended within which freight charges on carload traffic may be paid;

It further appearing that a further hearing has been held, and that a full investigation of the matters and thir.gs involved has been made, and the Commission, on the date hereof, having made and filed a report on further hearing, which report, together with the prior

reports herein, are hereby referred to and made a part hereof:

It is ordered, That the order entered herein on January 20, 1931, as modified, and the regulations issued thereunder, 49 CFR Part 142, be, and they are hereby further modified by adding after § 142.1a the following:

§ 142.1b Carload traffic.

Effective on July 7, 1960, the rail carriers subject to the jurisdiction of the Interstate Commerce Commission are hereby authorized to extend credit for 96 hours and 120 hours in respect of charges on carload traffic, in lieu of 48 hours and 96 hours, respectively, under the present rules in this part, computation of time to be made in the same manner as provided in connection with the 48-hour and 96-hour periods. (See § 142.2)

It is further ordered, That in all other respects said order of January 20, 1931. as modified, and said regulations shall remain in full force and effect.

And it is further ordered, That notice to the general public shall be given by depositing a copy hereof in the Office of the Secretary of the Commission, Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

(Sec. 3(2), 24 Stat. 380, as amended, 49 Ù.S.C. 3)

By the Commission.

HAROLD D. McCoy, [SEAL] Secretary.

[F.R. Doc. 60-5017; Filed, June 2, 1960; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service
[7 CFR Part 978]

[Docket No. AO-184-A17]

MILK IN NASHVILLE, TENNESSEE, MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Noel Hotel, 4th and Church Streets, Nashville, Tennessee, beginning at 10:00 a.m., e.s.t., on June 21, 1960, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Nashville, Tennessee, marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposals relative to a redefinition of the marketing area raises the issue whether the provisions of the present order would tend to effectuate the declared policy of the Act, if they are applied to the marketing area as proposed to be redefined and, if not, what modifications of the provisions of the order would be appropriate.

The proposal to change the type of pooling from individual handler pools to a marketwide pool raises the issue of the appropriate disposition of the reserve funds maintained pursuant to § 978.71 (e).

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Nashville Milk Producers, Inc.

Proposal No. 1.

DEFINITIONS

§ 978.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 978.2 Secretary.

"Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 978.3 Department of Agriculture.

"Department of Agriculture" means the United States Department of Agriculture or any other Federal agency as may be authorized by act of Congress, or by Executive order, to perform the price reporting functions of the United States Department of Agriculture.

§ 978.4 Person.

"Person" means any individual, partnership, corporation, association, or other business unit.

§ 978.5 Nashville, Tennessee, marketing area.

"Nashville, Tennessee, marketing area", hereinafter called the "Marketing Area", means all the territory within the boundaries of the Counties of Bedford, Cannon, Cheatham, Clay, Davidson, DeKalb, Dickson, Hardin, Hickman, Houston, Humphreys, Jackson, Lewis, Macon, Montgomery, Overton, Perry, Pickett, Robertson, Rutherford, Smith, Stewart, Summer, Trousdale, Wayne, Williamson, and Wilson; all in the State of Tennessee; and Allen, Barren, Simpson and Warren; all in the State of Kentucky; and the entire area of the Fort Campbell Military Reservation, located jointly in the States of Tennessee and Kentucky.

§ 978.6 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, as amended known as the "Capper-Volstead Act", and is authorized by its members to make collective sales or to market milk or its products for the producers thereof.

§ 978.7 Producer-handler.

Producer-handler means any person who produces Grade A milk under a dairy farm inspection permit issued by any duly constituted health authority, and who processes milk from his own production, all or a portion of which is clistributed within the marketing area as Class I milk, but who receives no milk from producers, or non-pool plants.

§ 978.8 Approved plant.

"Approved plant" means the premises, buildings and facilities of any milk processing or packaging plant from which Grade A milk or skim milk is shipped during the month to a pool plant, or from which Class I milk is disposed of during the month on routes (including routes operated by vendors and sales through plant stores) in the marketing area.

§ 978.9 Pool Plant.

"Pool plant" means any:

(a) Milk distributing plant approved or recognized by any health authority having jurisdiction in the marketing area

for the receiving or processing of Grade A milk and from which Class I milk equal to not less than 50 percent of its receipts of milk from other pool plants and from approved dairy farmers is disposed of during the month on a route(s) and from which Class I milk equal to not less than 20 percent of its total Class I disposition is disposed of during the month on a route(s) in the marketing area.

(b) Milk supply plant which, during the month, ships fluid milk products approved by any health authority having jurisdiction in the marketing area as eligible for distribution under a Grade A label in a volume equal to not less than 50 percent of its receipts of milk from approved dairy farmers to a plant specified in paragraph (a) of this section: Provided, That any plant which qualifies as a pool plant pursuant to this paragraph in each of the months of August through February shall be designated as a pool plant for the following months of March through July. And provided further, That any such plant may withdraw from pool plant status for any month in the March-July period if the operator of such plant files with the market administrator prior to the first day of such month a written request for such with-

(c) A plant operated by a cooperative association if, during the month, the sum of the milk delivered to other pool plants by producers who are members of such cooperative association plus the milk which was transferred thereto from the plant operated by the cooperative association is equal to not less than 50 percent of the total volume of milk delivered to all plants by producers who are members of the association.

§ 978.10 Nonpool plant.

"Nonpool plant" means any milk plant other than a pool plant.

§ 978.11 Handler.

"Handler" means: (a) any person in his capacity as the operator of one or more approved plants; or (b) a cooperative association with respect to milk of producers diverted for the account of such association from a pool plant to a nonpool plant in accordance with the provisions of § 978.12; or (c) a cooperative association with respect to the milk of its member producers which is delivered from the farm to the pool plant of another handler in a tank truck owned and operated by, or under contract to, such cooperative association if the cooperative association notifies the market administrator and the handler to whom the milk is delivered in writing that it wishes to be the handler for such milk.

§ 978.12 Producer.

"Producer" means any person, except a producer-handler, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority, or produces milk acceptable for fluid consumption at Federal Government, State or municipal establishments within the marketing area, which milk is received at a pool plant: Provided, That if such milk is diverted for the account of a cooperative association from a pool plant to any other milk plant any day during the month, the milk so diverted shall be deemed to have been received by the diverting cooperative association at the location of the plant from which it was diverted.

§ 978.13 Producer milk.

"Producer milk" means only that skim milk or butterfat contained in milk (a) received at a pool plant directly from producers' farms, or (b) diverted from a pool plant to any other milk plant (except a plant which is fully subject to the pricing provisions of another order issued pursuant to the act) in accordance with the provisions of § 978.12.

§ 978.14 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk drinks, yogurt, cream or any mixture in fluid form of milk, skim milk and cream (except sterilized products packaged in hermetically sealed containers, eggnog, ice cream mix and aerated cream).

§ 978.15 Other source milk.

"Other source milk" means all skim milk and butterfat contained in: (a) Receipts during the month of fluid milk products except (1) fluid milk products received from other pool plants, or (2) producer milk; and (b) products, other than fluid milk products, from any source (including those from a plant's own production), which are reprocessed or converted to another product in the pool plant during the month.

§ 978.16 Base milk.

"Base milk" means milk received at pool plants from a producer during any of the months specified in § 978.72 for the computation of base and excess prices, which is not in excess of such producer's daily average base computed pursuant to § 978.60, multiplied by the number of days in such month.

§ 978.17 Excess milk.

"Excess milk" means milk received at pool plants from a producer during any of the months specified in § 978.72 for computation of base and excess prices, which is in excess of the base milk of such producer for such month, and shall include all milk received during such months from a producer for whom no daily average base can be computed pursuant to § 978.60.

MARKET ADMINISTRATOR

§ 978.20 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 978.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary, complaints of violations

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 978.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary, a bond, effective as of the date on which he enters upon his duties, and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 978.85 (1) the cost of his bond and of the bonds of his employees, (2) his own compensation, and (3) all other expenses (except those incurred under § 978.86) necessarily incurred by him in the maintenance and functioning of his office, and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate:

(f) Publicly disclose to handlers and producers, at his discretion, the name of any person who, within 5 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 978.30 and 978.31, or (2) payments pursuant to §§ 978.80, 978.85 and 978.87;

(g) Submit his books and records to examination by the Secretary, and furnish such information and reports as may be required by the Secretary;

(h) Prepare and make available for the benefit of producers, consumers, and handlers, general statistics and information concerning the operation of this part:

(i) Verify all reports and payments by each handler by audit, if necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and

(j) On or before the date specified, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the following: (1) The 6th day of each

month, the Class II price and the Class II butterfat differential, both for the preceding month, (2) the 5th day of each month, the Class I price, and the Class I butterfat differential, both for the current month, and (3) the 10th day after the end of each month, the uniform price(s), computed pursuant to § 978.71 or § 978.72, and the producer butterfat differential for the preceding month.

REPORTS, RECORDS AND FACILITIES

§ 978.30 Reports of receipts and utilization.

On or before the 6th day after the end of each month each handler, except a producer-handler shall report for each of his approved plants for such month, to the market administrator in the detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in receipts of producer milk;

(b) The quantities of skim milk and butterfat contained in fluid milk products received from other pool plants;

(c) The quantities of skim milk and butterfat contained in other source milk;

(d) Inventories of fluid milk products on hand at the beginning and end of the month; and

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section.

§ 978.31 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may request.

(b) Each handler, except a producerhandler, shall report to the market administrator, in the detail and on forms prescribed by the market administrator, as follows:

(1) On or before the 6th day after the end of each month for each producer from whom milk was received (i) his name and address, (ii) the total pounds and butterfat content of milk received from such producer during the month, (iii) his total pounds of base milk and his total pounds of excess milk for the month, and (iv) the amount of any deductions authorized in writing by such producer to be made from payments due for milk delivered:

(2) On or before the 21st day of each month, the name and address of each producer from whom milk was received during the first 15 days of such month, and the pounds of milk so received during said period from such producer; and

(3) On or before the first day in any month during which other source milk is received in the form of fluid milk products, his intention to receive such milk, and on or before the last day such milk is received, his intention to discontinue such receipts.

§ 978.32 Records and facilities.

Each handler shall keep adequate records of receipts and utilization of skim milk and butterfat, and shall, during the usual hours of business, make available to the market administrator, or his representative, such records and facilities as will enable the market administrator to (a) verify the receipts and utilization of all skim milk and butterfat, and, in case of errors or omissions, ascertain the correct figures; (b) weigh, sample and test for butterfat content all milk and milk products handled; (c) verify deductions authorized by producers and the disbursement of moneys so deducted; and (d) make such examinations of operation equipment, and facilities as the market administrator deems necessary.

§ 978.33 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: Provided, That if within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation, or when the records are no longer necessary in connection therewith.

§ 978.34 Reports to cooperative associations.

On or before the 15th day after the end of each delivery period, the market administrator shall report to each cooperative association, as described in § 978.86 (b), upon request by such association, the percentage of milk caused to be delivered by such association or by its members which was used in each class by each handler receiving any such milk. For the purpose of this report, any milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handler are used in such class.

CLASSIFICATION OF MILK

§ 978.40 Skim milk and butterfat to be classified.

The skim milk and butterfat to be reported for pool plants pursuant to § 978.30 shall be classified each month by the market administrator, pursuant to the provisions of §§ 978.41 to 978.45.

§ 978.41 Classes of utilization.

Subject to the conditions set forth in §§ 978.42 to 978.45, the classes of utilization shall be as follows:

(a) Class I milk. Class I milk shall be all skim milk and butterfat (1) disposed of in the form of fluid milk products, except those classified pursuant to paragraph (b) (3) of this section, and (2) not specifically accounted for as Class II milk.

(b) Class II milk. Class II milk shall be all skim milk and butterfat (1) used to produce any products other than fluid milk products; (2) contained in inventories of fluid milk products on hand at

the end of the month; (3) disposed of and used for livestock feed, and skim milk dumped after prior notification to, and opportunity for verification by, the market administrator; and (4) in shrinkage not to exceed 2 percent respectively of the skim milk and butterfat contained in producer milk (except that diverted pursuant to § 978.12) and other source milk: Provided, That if shrinkage of skim milk or butterfat is less than 2 percent of such amounts, it shall be assigned prorata, respectively, to the skim milk and butterfat contained in such producer milk and other source milk.

§ 978.42 Responsibility of handlers.

All skim milk and butterfat to be classified pursuant to this part shall be classified as Class I milk unless the handler who first receives such skim milk and butterfat establishes to the satisfaction of the market administrator that it should be classified as Class II milk.

§ 978.43 Transfers.

(a) Skim milk and butterfat transferred to the pool plant of another handler (except a producer-handler) in the form of fluid milk products shall be classified as Class I milk unless the operators of both plants claim utilization thereof in Class II milk in their reports submitted pursuant to § 978.30: Provided, That skim milk or butterfat so assigned to Class II milk for any month shall be limited to the amount thereof remaining in Class II milk in the pool plant(s) of the transferee for such month after the computations pursuant to § 978.45(a) (1), (2), (3), (4), and (5), and the corresponding steps of § 978.45(b), and any additional amounts of such skim milk or butterfat shall be assigned to Class I milk.

(b) Skim milk and butterfat transferred to the plant of a producer-handler in the form of fluid milk products, shall be classified as Class I milk.

(c) Skim milk and butterfat transferred or diverted in bulk form as milk. skim milk or cream to a nonpool plant located less than 100 miles from the State Capital at Nashville, Tennessee, by the shortest hard-surfaced highway distance, as determined by the market administrator, shall be classified as Class I milk unless (1) the transferring or diverting handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 978.30, for the month within which such transaction occurred; (2) the operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification, and (3) the skim milk and butterfat in the fluid milk products (except in ungraded fluid milk products) disposed of from such nonpool plant do not exceed the receipts of skim milk and butterfat in milk received during the month from dairy farmers approved by a duly constituted health authority for the production of Grade A milk who the market administrator determines constitute the regular source of supply for such plant: Provided. That any

skim milk or butterfat in fluid milk products (except in ungraded fluid milk products) disposed of from the nonpool plant which is in excess of receipts from such dairy farmers shall be assigned to the fluid milk products transferred or diverted from a pool plant and shall be classified as Class I milk: And provided further, That if the total skim milk and butterfat which were transferred or diverted during the month to such nonpool plant from all plants fully regulated by this order and other orders issued pursuant to the Act is more than the skim milk and butterfat in fluid milk products disposition at the nonpool plant assignable pursuant to the preceding proviso hereof, the skim milk and butterfat assigned to Class I milk at a pool plant pursuant to this computation shall be not less than that obtained by prorating the assignable fluid milk product disposition at the nonpool plant over the receipts at such plant from all plants fully regulated by this and other orders issued pursuant to the Act.

(d) Skim milk and butterfat transferred in bulk form as cream to a nonpool plant located 100 miles or more from the State Capital in Nashville, Tennessee, by the shortest hard-surfaced highway distance, as determined by the market administrator, shall be classified as Class I milk unless (1) the transferring handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 978.30, (2) such cream is disposed of and used as other than Grade A under a Grade A certification or label, (3) the handler attaches tags or labels to each container of such cream bearing the words "for manufacturing uses only", (4) the handler gives the market administrator sufficient notice to allow him to verify or inspect such shipment, and (5) the operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant, which are made available if requested by the market administrator for the purpose of verification.

§ 978.44 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors the reports of each handler submitted pursuant to § 978.30 and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk in the pool plant(s) of such handler.

§ 978.45 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 978.44, the market administrator shall determine the classification of producer milk for each handler as follows:

- (a) Skim milk shall be allocated in the following manner:
- (1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk in producer milk classified pursuant to § 978.41(b) (4);
- (2) Subtract from the pounds of skim milk remaining in Class II milk the skim milk received as other source milk not

in the form of fluid milk products: *Provided*, That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk:

(3) Subtract from the pounds of skim milk remaining in Class II milk the skim milk in other source milk received in the form of fluid milk products and not subject to the Class I pricing provisions of another order issued pursuant to the Act: Provided, That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk;

(4) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in other source milk which was subject to the Class I pricing provisions of another order issued pursuant to the Act: Provided, That if the pounds of skim milk to be subtracted is greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk;

(5) Subtract from the remaining pounds of skim milk in Class II milk the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month: Provided, That if the pounds of skim milk in such inventory are greater than the remaining pounds of skim milk in Class II milk, an amount equal to the excess shall be subtracted from the pounds of skim milk in Class I milk;

(6) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk transferred from the fluid milk plants of other handlers in the form of fluid milk products according to the classification thereof as determined pursuant to § 978.43(a);

(7) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(8) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be known as "Overage".

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section; and

(c) Add the pounds of skim milk and the pounds of butterfat allocated to producer milk in each class, pursuant to paragraphs (a) and (b) of this section, and determine the percentage of butterfat in each class.

MINIMUM PRICES

§ 978.50 Basic formula price.

The basic formula price shall be the highest of the prices per hundredweight for milk of 4.0 percent butterfat content computed pursuant to paragraphs (a), (b), (c), or (d) of this section, rounded to the nearest whole cent.

(a) To the average of the basic (or field) prices reported to have been paid

or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following milk plants for which prices have been reported to the market administrator or to the Department of Agriculture on or before the 5th day after the end of the month:

Location and Present Operator

Borden Company, Mount Pleasant, Mich. Borden Company, New London, Wis. Borden Company, Orfordville, Wis. Carnation Company, Conomowoc, Wis. Carnation Company, Richland Center, Wis. Carnation Company, Sparta, Mich. Pet Milk Company, Bellsville, Wis. Pet Milk Company, New Glarus, Wis. Pet Milk Company, New Glarus, Wis. Pet Milk Company, Wayland, Mich. White House Milk Company, Manitowoc,

Wis.
White House Milk Company, West Bend, Wis.

add an amount computed by multiplying the butterfat differential computed pursuant to § 978.82(a) by 5.

(b) The price per hundredweight obtained by adding any plus amounts obtained pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Multiplying by 4 the average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) of 92-score bulk creamery butter per pound at Chicago, as reported by the Department of Agriculture during the month, and add 20 percent thereof;

(2) From the simple average as computed by the market administrator of the weighted averages of the carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department of Agriculture, subtract 5 cents and multiply by 7.5.

(c) The average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 4.0 percent butterfat content received from farmers during the month at the following milk plants for which prices have been reported to the market administrator or to the Department of Agriculture on or before the 6th day after the end of the month:

Location and Present Operator

Cudahy Packing Company, Lafayette, Tenn. Carnation Company, Murfreesboro, Tenn. Kraft Foods Company, Gallatin, Tenn. Kraft Foods Company, Pulaski, Tenn. Borden Company, Fayetteville, Tenn. Borden Company, Lewisburg, Tenn. Lakeshire-Marty Cheese Company, Carthage, Tenn.

Sumner County Cooperative Creamery, Gallatin, Tenn.

Swift & Company, Lawrenceburg, Tenn. Wilson & Company, Murfreesboro, Tenn.

- (d) The price per hundredweight computed as follows:
- (1) Multiply by 6 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the month;

- (2) Add 2.4 times the average of the weekly prevailing price per pound of "Twins" during the month on the Wisconsin Cheese Exchange; Provided, That if the price of "Twins" is not quoted on such Exchange, the weekly prevailing price per pound of "Cheddars" shall be used; and
- (3) Divide by 7, add 30 percent thereof, and then multiply by 4.

§ 978.51 Class prices.

Subject to the provisions of §§ 978.52 and 978.53, the class prices per hundredweight for the month shall be as follows:

(a) Class I milk price. The Class I milk price shall be the basic formula price for the preceding month, plus \$1.40 during the months of August through January; plus \$1.10 during all other months and, plus or minus a supply-demand adjustment calculated for each month as follows: Provided, That any pool plant which, during the second preceding month, did not dispose of at least an average of 1,000 pounds of fluid milk products per day on routes (including routes operated by vendors and sales through plant stores) to retail and wholesale outlets in the marketing area shall not be included in the supply-demand computation:

(1) For each month calculate a utilization ratio as follows:

(i) Calculate a utilization percentage by dividing the total hundredweight of producer milk of all pool plants during the twelve-month period ending with the beginning of the preceding month by the net hundredweight of Class I milk disposed of from all pool plants during the same period, and multiply the result by 100,

(ii) Add or subtract, respectively, any amount by which the percentage computed pursuant to subdivision (i) of this subparagraph is greater or less than a comparable utilization percentage calculated using the twelve-month period ending with the beginning of the fourth preceding month, and

(iii) The resultant figure rounded to the nearest whole percentage shall be known as the utilization ratio.

(2) For each percentage by which the utilization ratio calculated for the month pursuant to subparagraph (1) of this paragraph exceeds 130, subtract from, or for each percentage by which it is less than 125, add to, the Class I price, two cents: *Provided*, That any subtraction or addition shall be limited to 50 cents.

(b) Class II milk price. The Class II milk price shall be the price determined pursuant to § 978.50(c) plus 25 cents during the months of February through August, and plus 35 cents during all other months: Provided, That such price shall not exceed the basic formula price.

§ 978.52 Butterfat differentials to handlers.

For milk containing more or less than 4.0 percent butterfat, the class prices for the month calculated pursuant to § 978.51 shall be increased or decreased, respectively, for each one-tenth percent variation in butterfat content at the appropriate rate determined as follows:

(a) Class I price. Multiply by 0.12 the average of the daily wholesale prices

(using the midpoint of any price range as one price) of 92-score bulk creamery butter per pound at Chicago, as reported by the Department of Agriculture during the previous month, and round to

the nearest one-tenth cent.

(b) Class II price. Multiply by 0.115 the average of the daily wholesale prices (using the midpoint of any price range as one price) of 92-score bulk creamery butter per pound at Chicago, as reported by the Department of Agriculture during the month, and round to the nearest onetenth cent.

§ 978.53 Location differential to handlers.

For that milk which is received from producers at a pool plant located outside the marketing area and 50 miles or more from the State Capitol, Nashville, Tennessee, by shortest hard-surfaced highway distance, as determined by the market administrator, and which is transferred to another pool plant in the form of fluid milk products and assigned to Class I milk pursuant to the proviso of this section, or otherwise classified as Class I milk, the price specified in § 978.51(a) shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

Rate per hundredweight (cents)

Distance from the State Capitol. Nashville, Tenn. (miles): 50 but not more than 60 10.0 For each additional 10 miles or fraction thereof an additional_____

Provided, That for the purpose of calculating such location differential, fluid milk products which are transferred between pool plants shall be assigned to any remainder of Class II milk in the plant to which transferred after making the calculations prescribed in § 978.45(a) (1), (2), (3), (4) and (5), and the comparable steps in § 978.45(b) for such plant, such assignment to the plant from which transferred to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

§ 978.54 Use of equivalent price.

If for any reason a price quotation required by this part for computing class prices or for any other purpose is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

DETERMINATION OF BASE

§ 978.60 Computation of daily average base for each producer.

Subject to the rules set forth in § 978.61, the daily average base for each producer shall be an amount calculated by dividing the total pounds of producer milk received from such producer at all pool plants during the months of September through January immediately preceding by 153: Provided. That the base of a producer, who delivers milk during August and whose deliveries are temporarily discontinued during the

base-forming period, shall be determined by dividing by the number of days for which deliveries are made or by 138 whichever is higher.

§ 978.61 Base rules.

The following rules shall apply in connection with the establishment and assignment of bases:

- (a) Subject to the provisions of paragraph (b) and (c) of this section, the market administrator shall assign a base as calculated pursuant to § 978.60 to each person for whose account producer milk was delivered to pool plants during the months specified in § 978.60 for computation of base.
- (b) A base which has been established by two or more persons operating a dairy farm as a partnership may be divided between the partners on any basis agreed to in writing by the partners provided written notification of the agreed division of base signed by each partner is received by the market administrator prior to the first day of the month on which such division is to be effective.
- (c) An entire base shall be transferred from a person holding such base to any other person, effective as of the end of any month during which an application for such transfer is received by the market administrator such application to be on forms approved by the market administrator, and signed by the base-holder, or his heirs, and by the person to whom such base is to be transferred: Provided, That an entire base or any portion thereof shall be transferred from a producer to any other person upon adequate proof that such producer has discontinued marketing milk to a handler(s): And provided further, That if a base is held jointly, it shall be transferrable only upon the receipt of such application signed by all joint holders or their heirs.

§ 978.62 Announcement of established bases.

On or before February 25 of each year, the market administrator shall notify each producer and the handler receiving milk from such producer of the daily average base established by such producer.

DETERMINATION OF PRICES TO PRODUCERS

§ 978.70 Computation of the value of producer milk for each handler.

For each month, the market administrator shall compute the value of producer milk for each handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 978.45 by the applicable class price, total the resulting amounts;

(b) Add the amounts computed in subparagraphs (1), (2) and (3) of this paragraph;

(1) Multiply the rate of compensatory payment determined pursuant to § 978.92 by the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 978.45(a) (2) and (b).

(2) Multiply the rate of compensatory payment determined pursuant to § 978.92 at the nearest plant(s) from which an equivalent amount of other source milk

was received in the form of fluid milk products by the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 978.45 (a) (3) and

(3) Multiply the rate of compensatory payment determined pursuant to § 978.92 at the nearest plant(s) from which an equivalent amount of other source milk was received by the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 978.45 (a) (5) and (b), which is in excess of the sum of: (i) the quantity for which a payment must be computed pursuant to paragraph (d) of this section, and (ii) the quantity subtracted from Class II milk pursuant to § 978.45 (a) (4) and (b) in the preceding month;

(c) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 978.45 (a) (8) and (b) by the applicable

class price: and

(d) Add the amount computed by multiplying the difference between the appropriate Class II price for the preceding month and the appropriate Class I milk price for the current month by the hundredweight of skim milk and butterfat remaining in Class II milk after the calculations pursuant to § 978.45 (a) (6) and (b) for the preceding month or the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 978.45 (a) (5) and (b) for the current month, whichever is less, respectively.

§ 978.71 Computation of the uniform price.

For each of the months of August through February, the market administrator shall compute the uniform price per hundredweight of producer milk of 4.0 percent butterfat content, F.O.B. market, as follows:

(a) Combine into one total the values computed pursuant to § 978.70 for the producer milk of all handlers who submit reports prescribed in § 978.30 and who are not in default of payments pur-

suant to § 978.80:

- (b) Subtract, if the average butterfat content of the producer milk included under paragraph (a) of this section is greater than 4.0 percent, or add, if such average butterfat content is less than 4.0 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 978.82(a), and multiply the result by the total hundredweight of such milk:
- (c) Add an amount equal to the sum of the deductions to be made from producer payments for location differentials pursuant to § 978.82(b);
- (d) Add an amount equal to the unobligated balance on hand in the producer-settlement fund:

(e) Add the total amount of payment

due pursuant to § 978.91;

(f) Divide the resulting amount by the total hundredweight of producer milk included under paragraph (a) of this section; and

(g) Subtract not less than 4 cents nor more than 5 cents.

§ 978.72 Computation of uniform prices for base milk and excess milk.

For each of the months of March through July, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk. Each of 4.0 percent butterfat content, F.O.B. market, as follows:

(a) Compute the aggregate value of excess milk for all handlers who submit reports pursuant to § 978.30, and who are not in default of payments pursuant to § 978.80 as follows: (1) multiply the hundredweight quantity of such milk which does not exceed the total quantity of producer milk assigned to Class II milk in the pool plants of such handlers by the Class II milk price, (2) multiply the remaining hundredweight quantity of excess milk by the Class I milk price, and (3) add together the resulting amounts.

(b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk, adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 4.0 percent butterfat content received from producers;

(c) Subtract the total value of excess milk determined by multiplying the uniform price obtained in paragraph (b) of this section, times the hundredweight of excess milk from the total value of producer milk for the month as determined according to the calculations set forth in § 978.71 (a) through (e);

(d) Divide the amount calculated pursuant to paragraph (c) of this section by the total hundredweight of base milk included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for base milk of 4.0 percent butterfat content f.o.b. market.

§ 978.73 Notification of handlers.

On or before the 10th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing:

(a) The amount of his producer milk allocated to each class;

(b) The calculation of such handler's net obligation pursuant to § 978.70; and (c) The amounts to be paid by such handler pursuant to §§ 978.80, 978.85 and

PAYMENTS

978.87.

§ 978.80 Payments to market administrator.

(a) On or before the 25th day of each month each handler shall pay to the market administrator for deposit into the producer-settlement fund an amount of money calculated by multiplying the hundredweight of producer milk received by him during the first 15 days of such month by the Class II price for the preceding month.

(b) On or before the 12th day after the end of each month, each handler shall pay to the market administrator for deposit into the producer-settlement fund an amount of money equal to such handler's net obligation for such month as determined pursuant to § 978.70 less

payments made pursuant to paragraph (a) of this section for such month and less proper deductions authorized in writing by producers from whom such handler received milk.

§ 978.81 Payments to producers.

(a) On or before the last day of each month, the market administrator shall make payment to each producer for milk received from such producer during the first 15 days of such month by handlers from whom the appropriate payments have been received pursuant to § 978.80(a) at not less than the Class II price per hundredweight for the preceding month,

(b) On or before the 15th day after the end of each month, the market administrator shall make payment to each producer for milk received from such producer during the month by handlers from whom the appropriate payments have been received pursuant to § 978.80 (b), such payments by the market administrator to be at not less than the uniform price computed pursuant to § 978.71 for handlers for the months for which such uniform prices are computed and such payments to be for base and excess milk at not less than the uniform base and excess prices, respectively, computed pursuant to § 978.72 for the months for which such base and excess prices are computed subject to the following adjustments: (1) Butterfat and location differentials pursuant to § 978.82, (2) less payments made pursuant to paragraph (a) of this section, (3) less marketing service deductions pursuant to § 978.86, (4) less proper deductions authorized in writing by the producer, and (5) adjusted for any error in calculating payment to such individual producer for past months: Provided, That if the market administrator has not received full payment from any handler for such month, pursuant to § 978.80, he shall reduce uniformly per hundredweight his payments due producers for milk received by handlers by a total amount not in excess of the amount due from such handler(s): Provided further, That the market administrator shall make such balance of payment to producers on or before the next date for making payments pursuant to this paragraph following that on which such balance of payment is received from such handler(s); and

(c) In making payments to producers pursuant to paragraphs (a) and (b) of this section the market administrator shall pay, on or before the second day prior to the date payments are due to individual producers, to a cooperative association which is authorized to collect payment for milk of its members and from which a written request for such payment has been received, a total amount equal to, but not less than, the sum of the individual payments otherwise payable to such producers pursuant to this section.

§ 978.82 Butterfat and location differentials to producers.

The applicable uniform price to be paid each producer shall be increased or decreased for each one-tenth of one per-

cent which the average butterfat content of his milk is above or below 4.0 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to each class by the appropriate butterfat differentials for such class as determined by § 978.52, dividing by the total butterfat in producer milk, and rounding to the nearest fifth of a cent.

(b) In making payment to producers pursuant to § 978.81(b), the applicable uniform prices to be paid for producer milk received at a pool plant located 50 miles or more from the State Capitol, Nashville, Tennessee, by the shortest hard-surfaced highway distance as determined by the market administrator, shall be reduced according to the location of the pool plant where such milk was received at the following rate:

Rate per hundredweight (cents)

Distance from State Capitol, Nashville,

Tenn. (miles):
50 but not more than 60______ 10.0
For each additional 10 miles or fraction thereof an additional_____ 1.5

§ 978.83 Statement to producers.

In making payments required by § 978.81(b), the market administrator shall furnish each producer or cooperative association with a supporting statement in such form that it may be retained by the producer or cooperative association which shall show:

(a) The month and the identity of the handler and of the producer;

(b) The total pounds and the average butterfat content of milk delivered by the producer, including, for the months in which base and excess prices apply, the pounds of base and excess milk:

(c) The minimum rate or rates at which payment to the producer or cooperative association is required under the provisions of §§ 978.81 and 978.82;

(d) The amount or the rate per hundredweight of each deduction claimed by the handler including any deduction made pursuant to § 978.86, together with a description of the respective deductions: and

(e) The net amount of payment to the producer or cooperative association.

§ 978.84 Producer-Settlement fund.

The market administrator shall maintain a producer-settlement fund into which he shall deposit the appropriate payments made by handlers pursuant to §§ 978.80, 978.87 and 978.91 and out of which he shall make appropriate payments required pursuant to §§ 978.81 and 978.87.

§ 978.85 Expense of administration.

As his pro rata share of this part, each handler shall pay to the market administrator, on or before the 15th day after the end of each month, 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to receipts during the month, of (a) producer milk (including such handler's own production, and (b) other source milk allocated to Class I milk pursuant to § 978.45.

§ 978.86 Marketing services.

(a) Except as set forth in paragraph (b) of this section, the market administrator, in making payments to producers pursuant to § 978.81, shall deduct an amount not exceeding 6 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to milk received by a handler(s) from producers during the month. Such moneys shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association. Such services shall be performed in whole or in part by the market administrator or an agent engaged by and responsible to him.

(b) In the case of producers who are members of a cooperative association which the Secretary determines is performing the services specified in paragraph (a) of this section for its members, the market administrator shall, in lieu of the deductions provided in paragraph (a) of this section, make such deductions as are authorized by such producers, and on or before the 15th day after the end of each month, pay the money so deducted to such cooperative association.

§ 978.87 Adjustment of accounts.

Whenever audit by the market administrator of any handler's reports, books, records or accounts or other verification discloses errors, resulting in money due the market administrator from such handler, or due such handler from the market administrator, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 978.88 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money, irrespective of when such obligation arose.

- (a) The obligation of any handler to pay money required to be paid under the terms of this part, shall except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator received the handler's utilization report on the milk involved in such obligations, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to the following information:
 - (1) The amount of the obligation;
- (2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and
- (3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market

administrator, the account for which it is to be paid.

- (b) If a handler fails or refuses, with respect to any obligation under this part. to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative.
- (c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.
- (d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the act, a petition claiming such money.

APPLICATION OF PROVISIONS

§ 978.90 Producer-handlers.

Sections 978.40 through 978.45, 978.50 through 978.53, 978.60 through 978.62, 978.70 through 978.73, and 978.80 through 978.87 shall not apply to a producerhandler.

§ 978.91 Handlers operating a nonpool distributing plant.

In lieu of the payments required pursuant to §§ 978.80 to 978.86 each handler, other than a producer-handler, or one exempt pursuant to § 978.93, who operates during the month a nonpool distributing plant, shall pay to the market administrator on or before the 12th day after the end of the month the amount calculated pursuant to paragraph (a) of this section unless the handler elects at the time of reporting pursuant to \$978.30, to pay the amounts computed pursuant to paragraph (b) of this section.

(a) The following amounts:

(1) For the producer-settlement fund, an amount equal to the value of all skim milk and butterfat disposed of as Class I milk on routes in the marketing area at the Class I price applicable at the location of such handler's plant, less the value of such skim milk and butterfat at the Class II price; and

- (2) As his share of the expense of administration, the rate specified in § 978.85 with respect to Class I milk so disposed of in the marketing area.
- (b) The following amounts:
- (1) For the producer-settlement fund, any plus amount remaining after deducting from the value that would have been computed pursuant to § 978.70 if such handler had operated a pool plant the gross payments made by such handler for milk received during the month from Grade A dairy farmers at such plant or at a plant(s) which serves as a supply plant(s); and
- (2) As his share of the expense of administration, an amount equal to that which would have been computed pursuant to § 978.85 had such plant been a pool plant.

§ 978.92 Rate of payment on unpriced milk.

The rate of payment per hundredweight on unpriced Class I milk shall be calculated as follows:

- (a) For the months of March through July, subtract the Class II price adjusted by the Class II butterfat differential from the Class I price adjusted by the Class I butterfat differential and the Class I location differential.
- (b) For the months of August through February, subtract the uniform price to producers from the Class I price.

§ 978.93 Plants subject to other Federal orders.

The provisions of this part, except §§ 978.30, 978.32 and 978.33, shall not apply to:

- (a) A distributing plant which would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless a greater volume of Class I is disposed of from such plant during the month on routes in the Nashville marketing area than in the marketing area defined in such other order.
- (b) A Supply plant which would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless such plant qualified as a pool plant during each of the preceding months of August through February.

Effective Time, Suspension or Termination

§ 978.100 Effective time.

The provisions of this part or any amendments to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 978.101 Suspension or termination.

The Secretary shall suspend or terminate any or all of the provisions of this part, whenever he finds that it obstructs or does not tend to effectuate the declared policy of the Act. This part shall, in any event, terminate whenever the provisions of the Act authorizing it cease to be in effect.

§ 978.102 Continuing power and duty of the market administrator.

(a) If, upon the suspension or termination of any or all of the provisions of

this part, there are any obligations arising under this part, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: Provided, That any such acts required to be performed by the market administrator, shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate, shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and (3) if so directed by the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 978.103 Liquidation after suspension or termination.

Upon the suspension or termination of any or all provisions of this part, the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator, or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 978.110 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

§ 978.111 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 2. Consider adding a proviso to § 978.44 to read as follows:

Provided, That the skim milk contained in any product utilized, produced, or disposed of by the handler during the month shall be considered to be an

amount equivalent to the nonfat milk solids contained in such product plus all the water originally associated with such solids.

Proposal No. 3.

Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 101 Presbyterian Bldg., 152 Fourth Avenue, N., Nashville 3, Tennessee, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., this 31st day of May 1960.

F. R. BURKE,

Acting Deputy Administrator,

Agricultural Marketing Service.

[F.R. Doc. 60-5054; Filed, June 2, 1960; 8:54 a.m.]

[7 CFR Part 994]

[Docket No. AO-300-A1]

MILK IN COLORADO SPRINGS-PUEBLO MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Antlers Hotel, Cascade and Pikes Peak Avenue, Colorado Springs, Colorado, beginning at 10:00 a.m., local time, on June 21, 1960, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Colorado Springs-Pueblo marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Colorado Springs Milk Producers Association and the Pueblo Dairymen's Cooperative, Inc.:

Proposal No. 1. Revise § 994.51(a) by deleting the phrase, "during the first 18 months following the effective date of this part," and changing the word "the" to "The".

Proposal No. 2. Review the method of computing the price of Class II milk and the level of the price as provided in § 994.51(b)

Proposed by the Beatrice Foods Company, Sinton Dairy Company, The IXL Creamery Company (Division of Carna-

tion Company), the Borden Company-Carlson Frink, and Scotland Pride Dairy: Proposal No. 3. Review the price of

Class I milk.

Promoted No. 4. Povious the price of

Proposal No. 4. Review the price of Class II milk.

Proposed by the Cache Valley Dairy Association, Smithfield, Utah:

Proposal No. 5. Define a "distribution point" as follows:

"Distribution point" means any building, premises, facilities or equipment used primarily to hold or store bottled milk or milk products in finished form in transit for wholesale or retail distribution.

Proposal No. 6. Define a "plant" as follows:

"Plant" means the premises, buildings, facilities, and equipment constituting a single operating unit or establishment, whether owned or operated by one or more persons, at which are maintained stationary holding tanks for milk, facilities and other equipment used during the month for the receiving, handling, or processing of milk or milk products: Provided, That this definition shall not include any distribution point or any building, premises, equipment, or facilities used primarily to transfer milk from one road vehicle to another.

Proposal No. 7. Amend § 994.7(b) by

Proposal No. 7. Amend § 994.7(b) by deleting the present language therein and substitute the following:

(b) At which milk eligible for distribution as Grade A milk is received from dairy farmers and from which 50 percent during the months of August through January and 30 percent during all other months or more of such receipts is delivered to (and is physically received in) a plant(s) which operates in the manner described in paragraph (a) of this section, irrespective of whether or not such plant(s) receives milk from dairy farmers. Provided, That any such receiving plant that was a pool plant during three of the four months of the period from August through November immediately preceding shall continue to be a pool plant for each of the succeeding months of December through July unless the milk received at the plant does not continue to be qualified for use in Grade A Class I milk products in the marketing area, or the plant delivers more than 50 percent of its Grade A receipts to a plant(s) regulated under another order issued pursuant to the Act. or the operator of the plant notifies the Market Administrator in writing that the plant should be withdrawn from the pool; in the event such notification is given the plant will no longer be a pool plant starting with the beginning of the delivery period following receipt of the notification by the Market Administrator, except during any delivery period(s) in which the pool plant requirements under this paragraph are fulfilled.

Proposal No. 8. Amend § 994.10 by deleting the present language therein and substituting the following: "Producer" means any dairy farmer, except a producer-handler and any dairy farmer for other markets, who produces milk on a dairy farm approved by a

duly constituted health authority for the production of milk for fluid disposition, which milk is qualified for labeling and disposition as Grade A milk in the marketing area and is handled under any of the following conditions:

(1) Received at a pool plant directly

from the farm;

(2) Diverted for the account of the operator of a pool plant to another pool plant; or

(3) Diverted during the month from a pool plant to a nonpool plant for the account of the operator of a pool plant or a cooperative association: Provided, That for each of the months of August through March milk so diverted shall be limited to deliveries of such person not exceeding 12 days' production during such month: And provided further, That milk diverted to another pool plant or to a nonpool plant under the conditions of this paragraph shall be deemed to have been received at the pool plant at which his milk was last received immediately prior to diversion.

Proposal No. 9. Amend § 994.44(e) (1) to make the first paragraph thereof to read as follows:

(e) (1) As Class I milk, if transferred or diverted in the form of a fluid milk product, in bulk, to a nonpool plant located in Cache or Weber Counties of the State of Utah, or not more than 200 miles from the El Paso County Courthouse by the shortest highway distance, as determined by the Market Administrator, unless the following conditions are met.

Proposal No. 10. Amend § 994.81 by designating the present language contained therein as paragraph (a) and adding the following as paragraph (b):

(b) For milk which is diverted to a nonpool plant located more than 450 miles from Colorado Springs, Pueblo, or Walsenburg, whichever is closest, and classified as Class II there shall be deducted twenty (20) cents per hundredweight and an additional one and one-half (1½) cents shall be deducted for each ten (10) miles or fraction thereof that such distance exceeds 450 miles.

Proposed by the Sealtest Foods Division, National Dairy Products Corporation:

Proposal No. 11. Consider the revision of § 994.62 as follows:

(a) Review the rate of payment in paragraph (a) (1);

(b) By providing in paragraph (a) (1) that the rate of payments specified therein, as amended, shall be applicable to the hundredweight of skim milk and butterfat, respectively, disposed of as Class I milk on routes in the marketing area, less the receipts by the noonpool plants of skim milk and butterfat which was fully subject to the classification and pricing provisions of another order issued pursuant to the Act and was classified and priced as Class I milk under said Order;

(c) By providing in paragraph (b) (2) a lesser amount of administrative charge through revision of the amount of milk to which the charge is applicable.

Proposed by the Country Charm Dairy:

Proposal No. 12. In § 994.44(e), the phrase "200 miles" should be changed to read "600 miles".

Proposed by the National Cheese Company, 644 West Randolph Street, Chicago 6, Illinois:

Proposal No. 13. Amend § 994.46 so that sour cream manufactured from milk subject to the price and pooling of Chicago, Illinois, Market Order No. 41, be allocated to Class I at pool plants under any of the orders where such sour cream is received, handled, and distributed in the same consumer or institutional size packages in which it is received.

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 14. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 121 East Boulder Street, Colorado Springs, Colorado, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., this 31st day of May 1960.

F. R. Burke, Acting Deputy Administrator, Agricultural Marketing Service.

[F.R. Doc. 60-5055; Filed, June 2, 1960; 8:54 a.m.]

Commodity Stabilization Service

[7 CFR Part 717]

HOLDING OF REFERENDA ON MARKETING QUOTAS

Notice of Proposed Rule Making

Notice is hereby given that, pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended, 7 U.S.C., 1281 et seq., consideration is being given to amending the regulations governing the holding of referenda on marketing quotas (23 F.R. 3432, 7285).

The amendment being considered would change paragraph (a) of § 717.6 to read as follows:

(a) Posting a notice. The county committee shall give public notice in each community or neighborhood of a referendum by posting a notice at one or more places open to the public within such community or neighborhood prior to the date of the referendum. Such notice shall be on a form prescribed by the Deputy Administrator, and shall state the commodity or commodities and marketing year, or years, or crops for which the referendum is to be held, the location of the polling places in the community or neighborhood, the date of the referendum, and the hours when the polls will be opened and closed.

All persons who desire to submit written data, views, and recommendations in connection with this proposal should file the same with the Deputy Administrator, Production Adjustment, Commodity Stabilization Service, U.S. Department of

Agriculture, Washington 25, D.C., within 10 days after the date of the publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 27th day of May 1960.

CLARENCE D. PALMBY, Acting Administrator, Commodity Stabilization Service.

[F.R. Doc. 60-5060; Filed, June 2, 1960; 8:55 a.m.]

DEPARTMENT OF HEALTH, EDU-CATION. AND WELFARE

Food and Drug Administration
[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTI-CIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Filing of Petition for Establishment of Tolerances for Residues of O,O-Diethyl S-2-(Ethylthio) Ethyl Phosphorodithioate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition has been filed by Chemagro Corporation, P.O. Box 4913, Kansas City 20, Missouri, proposing the establishment of tolerances for residues of O,O-diethyl S-2-(ethylthio) ethyl phosphorodithioate in or on raw agricultural commodities, as follows:

1. 2.0 parts per million in or on sugar beet tops.

2. 0.5 part per million in or on sugar

The quantitative analytical method proposed in the petition for determining residues of O,O-diethyl S-2-(ethylthio ethyl phosphorodithioate is that published in the Federal Register of April 29, 1955 (20 F.R. 2892), for Systox. In addition, a qualitative paper chromatographic identification procedure as described in the Federal Register of Federal 27, 1960 (25 F.R. 1730), for Systox is presented for identification of the compound.

Dated: May 25, 1960.

[SEAL] ROBERT S. ROE,
Director, Bureau of Biological
and Physical Sciences.

[F.R. Doc. 60-5012; Filed, June 2, 1960; 8:49 a.m.]

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS
FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW
AGRICULTURAL COMMODITIES

Notice of Filing of Petition for Establishment of Tolerance for Residues of Malathion

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d) (1), 68 Stat. 512; 21 U.S.C. 346a

(d) (1)), notice is given that a petition has been filed by American Cyanamid Company, 30 Rockefeller Plaza, New York 20, New York, proposing the establishment of a tolerance of 8 parts per million for residues of malathion in or on pasture and range grass, grass and grass hay, pea vines for forage.

The analytical method proposed in the petition for determining residues of malathion is that described in the Journal of Agricultural and Food Chemistry, Volume II, No. 11, pages 570-573 (1954).

Dated: May 25, 1960.

[SEAL] ROBERT S. ROE,
Director, Bureau of Biological
and Physical Sciences.

[F.R. Doc. 60-5013; Filed, June 2, 1960; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 601]

[Airspace Docket No. 60-AN-6]

CONTROL ZONES

Notice of Proposed Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2239 of the regulations of the Administrator, the substance of which is stated below.

The Cordova, Alaska, control zone is presently designated within a 5-mile radius of the Cordova (Mile 13) Airport, within 5 miles either side of a line extending from the airport to the Cordova (localizer) radio range station and within 5 miles either side of the southeast and southwest courses of the Cordova (localizer) radio range extending from the radio range station to Amber Federal airway No. 1. The Federal Aviation Agency has under consideration the modification of the Cordova control zone by reducing the width of the extensions from five miles to two miles either side of the southeast and southwest courses of the radio range, and lengthening the extensions from their present termination at the north edge of Amber Federal airway No. 1 to the East Cordova and Egg Island intersections. respectively. This modification would eliminate the excessive lateral portions of the control zone extensions and provide sufficient length for the protection of aircraft executing standard instrument approach procedures and missed approach procedures utilizing the Cordova radio range.

If this action is taken, the Cordova, Alaska, control zone would be designated within a 5-mile radius of the Cordova (Mile 13) Airport (latitude 60°29'25'' N., longitude 145°29'00'' W.), within 2 miles either side of the southeast course of the Cordova radio range extending from the 5-mile radius zone to the intersection of the Cordova radio range southeast course and Hinchinbrook, Alaska, radio range east course, and within 2 miles either side of the southwest course of the Cordova radio range extending from the 5-mile radius zone to the intersection of

the Cordova radio range southwest ing the climb phase of the air defense course and the Hinchinbrook radio range aircraft mission. The proposed restricteast course.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 440, Anchorage, Alaska. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is con-templated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on May 27,

D. D. Thomas, Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-4987; Filed, June 2, 1960; 8:46 a.m.]

[14 CFR Part 608]

[Airspace Docket No. 60-KC-12]

RESTRICTED AREAS

Designation of Restricted Area/Military Climb Corridor

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 608.22 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency is considering a proposal by the Department of Air Force to designate a Restricted Area/Military Climb Corridor at Bunker Hill Air Force Base, Ind. The military climb corridor, designated as a restricted area, would be used by the high-speed, high rate-of-climb Century series air defense aircraft when departing from the airbase on active air defense missions. The restricted area would provide protection for high-speed air defense aircraft and other users of the airspace dur-

aircraft mission. The proposed restricted area/military climb corridor would extend along the 256° True radial of the Bunker Hill Air Force Base TACAN, beginning 5 statute miles west of the TACAN and extending to a point 32 statute miles west of the TACAN, having a width of 1 statute mile north and 3 statute miles south of the TACAN 256° True radial at the beginning, with the northern portion expanding uniformly and the southern portion decreasing uniformly to a width of 2.3 statute miles either side of the TACAN 256° True radial at the outer extremity. The lower altitude limits would extend in graduated steps from 2,800 feet MSL to 19,800 feet MSL. The upper altitude limits would extend from 15,800 feet MSL to 27,000 feet MSL. Time of designation would be continuous. The controlling agency would be the Bunker Hill AFB approach control. The controlling agency would authorize aircraft to operate within the climb corridor when not in use by active air defense aircraft.

If this action is taken, the Bunker Hill Air Force Base, Ind., Restricted Area/Military Climb Corridor (R-596) (Chicago Chart) would be designated as follows:

Description. That area based on the 256° True radial of the Bunker Hill Air Force Base, Ind., TACAN beginning 5 statute miles west of the TACAN and extending 32 statute miles west of the TACAN, having a width at the point of beginning of one statute mile north and 3 statute miles south of the 256° True radial and a width of 2.3 statute miles either side of the 256° True radial at the outer extremity.

Designated altitudes.

2,800' to 15,800' MSL from 5 statute miles west of the TACAN to 6 statute miles west of the TACAN.

2,800' to 24,800' MSL from 6 to 7 statute miles west of the TACAN. 2,800' to 27,000' MSL from 7 to 10 statute

2,800' to 27,000' MSL from 7 to 10 statute miles west of the TACAN.
6.800' to 27,000' MSL from 10 to 15 statute

miles west of the TACAN.

10,800' to 27,000' MSL from 15 to 20 statute miles west of the TACAN. 15,800' to 27,000' MSL from 20 to 25 statute

15,800' to 27,000' MSL from 20 to 25 statute miles west of the TACAN.

19,800' to 27,000' MSL from 25 to 32 statute miles west of the TACAN.

Time of use. Continuous.

Controlling agency. Bunker Hill Air Force Base, Ind., Approach Control.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on May 27, 1960.

> D. D. THOMAS, Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-4988; Filed, June 2, 1960; 8:46 a.m.I

FEDERAL COMMUNICATIONS **COMMISSION**

[47 CFR Part 3]

[Docket No. 13419; FCC 60-616]

TELEVISION BROADCAST STATIONS

Table of Assignments

1. The Commission has before it for consideration the proposal set out in its Notice of Proposed Rule Making (RM-152), released March 4, 1960 (FCC 60-192), to amend § 3.606, Table of Assignments, Television Broadcast Stations, by making the following change:

City	Channel No.	
	Present .	Proposed
Waycross, Ga	8+, 16	*8+, 16

2. The proposal is supported by the petitioner, the Georgia State Board of Education; and no comments were filed in opposition to the requested change.

3. The Georgia State Board of Education is the present holder of a construction permit (BPCT-2501) granted on April 9, 1959, for a new television station to operate on Channel 8+ at Waycross, Georgia. The permittee proposes to operate solely on a noncommercial, educational basis; and it desires reservation of the channel to conform to its planned mode of operation.

4. Since the granting of the construction permit, permittee has filed two applications for extension of completion date thereof. The first of these, File No. BMPCT-5403, was granted November 16, 1959. The second, File No. BMPCT-5472, filed May 4, 1960, is presently under consideration by the Commission, and if granted would extend completion date from June 9, 1960 to December 9, 1960. It appears from statements submitted with these appli-cations that, although the permittee has not been inactive in the promotion of its plans for construction of the proposed facility, actual construction of the station has not as yet been started. Nor does permittee indicate firm plans for scheduling construction. Under these circumstances we are not persuaded that the public interest would be served by shifting the channel assignment from commercial to noncommercial educational at this time

5. The authority for the action here taken is contained in sections 4(i), 303 and 307(b) of the Communications Act of 1934, as amended.

6. In view of the foregoing: It is ordered, That the request for amendment of § 3.606 of the rules in the manner set out above is denied without prejudice to the rights of petitioner. Georgia State Board of Education, to request consideration of its proposal at such time as its station shall have been constructed and put into operation.

Adopted: May 25, 1960.

Released: May 27, 1960.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL]

BEN F. WAPLE, Acting Secretary.

[F.R. Doc. 60-5050; Filed, June 2, 1960; [F.R. Doc. 60-5051; Filed, June 2, 1960; 8:53 a.m.]

[47 CFR Part 21]

[Docket No. 13478]

DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

Extension of Time for Filing Comments and Reply Comments

In the matter of amendment of Part 21 of the Commission's rules governing Domestic Public Radio Services (Other than Maritime Mobile) to provide for the authorization of dispatch stations, and the assignment of mobile frequencies thereto, in the Domestic Public Land Mobile Radio Service.

The Commission having under consideration the joint requests by Fresno Mobile Radio Service, Inc., Antennavision Service Co., Hanford Mobile Radio Service, Madera Radio Dispatch, Riggs Radio Dispatch, Tadlock's Radio Dispatch, General Communications Service, Nor-Car Tele-Radio System, Radio Communications Service, United Radio Communications, Caprock Radio Dispatch and National Mobile Radio System, to extend the dates for filing comments and reply comments in the above entitled matter; and

It appearing that petitioners are in the process of collecting certain facts bearing on this proposed rule making and require an extension of approximately 40 days in which to complete their factual study and to formulate a comprehensive comment thereto; and

It further appearing that the public interest will be served by providing additional time to enable interested parties to submit comments and reply herein;

It is ordered, This twenty-sixth day of May 1960, that the time for filing comments herein is extended until July 8, 1960, and the time within which to file reply comments is extended until July 18, 1960.

Released: May 26, 1960.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL]

BEN F. WAPLE. Acting Secretary.

8:53 a.m.1

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Group 332]

ARIZONA

Notice of Filing of Plats of Survey

MAY 26, 1960.

1. Pursuant to authority delegated by BLM Order No. 541 dated April 21, 1954 (19 F.R. 2473), as amended, notice is hereby given that the plats of survey accepted December 3, 1959, of T. 12 N., R. 11 W., G&SRM, Arizona, including lands hereinafter described, will be officially filed in the Land Office at Phoenix, Arizona, effective at 10:00 a.m. on the 35th day after the date of this notice:

GILA AND SALT RIVER MERIDIAN, ARIZONA

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T. 12 N., R. 11 W.,
  Sec. 1, Lots 1, 2, 3, 4, S1/2;
  Sec. 2, Lots 1, 2, 3, 4, 51/2;
  Sec. 3, Lots 1, 2, 3, 4, 81/2;
  Sec. 4, Lots 1, 2, 3, 4, 51/2;
  Sec. 5, Lots 1, 2, 3, 4, S1/2;
  Sec. 6, Lots 1, 2, 3, 4, 5, 6, E½SW¼, SE¼;
  Sec. 7, Lots 1, 2, 3, 4, E 1/2 W 1/2, E 1/2;
  Sec. 8, All:
  Sec. 9, All;
  Sec. 10, All;
  Sec. 11, All;
  Sec. 12, All;
  Sec. 13, All:
  Sec. 14. All:
  Sec. 15, All;
  Sec. 16, All;
  Sec. 17, All;
  Sec. 18, Lots 1, 2, 3, 4, E1/2 W1/2, E1/2;
  Sec. 19, Lots 1, 2, 3, 4, E 1/2 W 1/2 E 1/2;
  Sec. 20, All;
Sec. 21, All;
  Sec. 22, All;
  Sec. 23, All;
  Sec. 24, All;
  Sec. 25, All;
  Sec. 26, All;
  Sec. 27, All;
  Sec. 28, All;
  Sec. 29, All;
  Sec. 30, Lots 1, 2, 3, 4, E1/2 W1/2, E1/2;
  Sec. 31, Lots 1, 2, 3, 4, E1/2 W1/2, E1/2;
  Sec. 32, All:
  Sec. 33, All;
  Sec. 34, All;
  Sec. 35, All;
  Sec. 36, All.
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Within the above described areas are 22.093.60 acres.

- 2. Available data indicates that the lands in T. 12 N., R. 11 W., are rough and broken and the soil is sandy and rocky.
- 3. All of the lands in T. 12 N., R. 11 W., were withdrawn and reserved for power site purposes by Executive Order of July 2, 1910.
- 4. In view of the above, the lands described will not be subject to disposition under the general public land laws by reason of the official filing of the plats.

ROY T. HELMANDOLLAR, Manager.

[F.R. Doc. 60-4999; Filed, June 2, 1960; 8:47 a.m.]

[W-04007]

WASHINGTON

Notice of Filing of Plat of Survey

1. Plat of survey of lands described below will be officially filed in the Land Office, Spokane, Washington, effective 10:00 a.m., July 8, 1960;

WILLAMETTE MERIDIAN

T. 39 N., R. 35 E., Secs. 25, 26, 31, 32, 33, 34, 35, 36.

Containing 5,248.20 acres.

- 2. This plat represents a retracement and re-establishment of the east boundary of Township 39 North, Range 34 East, and the west boundary of Township 39 North, Range 36 East, designed to restore the corners in their true original location according to the best available evidence, also dependent resurvey of the east boundary of Township 39 North, Range 34 East, the west boundary of Township 39 North, Range 36 East, and survey of a portion of the subdivisional lines in Township 39 North, Range 35 East, Willamette Meridian, Washington.
- 3. The lands are within the exterior boundaries of the Colville National Forest, having been withdrawn from all forms of disposition by Presidential Proclamation of March 1, 1907.
- 4. In view of the foregoing withdrawal, the lands described will not be subject to disposition under the general public land laws by reason of the official filing of the plat.
- 5. All inquiries relating to the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Room 680, Bon Marche Building, Spokane 1, Washington.

ERLING A. OLSON, Acting Manager.

[F.R. Doc. 60-5000; Filed, June 2, 1960; 8:48 a.m.]

CALIFORNIA

Notice of Filing of Plat of Survey and Order Providing for Opening of Lands

MAY 26, 1960.

Notice is given that the plat of survey of the following described lands accepted March 7, 1960, will be officially filed in the Land Office, Sacramento, California. effective at 10 a.m. on June 30, 1960.

MOUNT DIABLO MERIDIAN

T. 20 N., R. 3½ E., Sec. 1: Lots 1, 2, 3, 4; Sec. 12: Lots 1, 2, 3, 4; Sec. 13: Lots 1, 2, 3, 4; Sec. 24: Lots 1, 2, 3, 4; Sec. 25: Lot 1.

The area described aggregates 188.51 [F.R. Doc. 60-5001; Filed, June 2, 1960; acres of public land.

The lands are located 8 miles north of Oroville in Butte County, California, and are accessible by road. Available data indicate the lands consist generally of rolling, open woodland bisected from east to west by several steep canyons. The elevation varies from 400 feet in the south portion to 1,160 feet in the north portion. The upper Miocene Canal passes through the south portion of Section 1. Most of the area is now used for winter livestock range.

Subject to any existing valid rights and the requirements of applicable law, the lands described above are hereby opened to filing applications and selections in accordance with the following:

- a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and date shown for the various classes enumerated in the following paragraphs:
- (1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.
- (2) All valid applications and selections under the nonmineral public land laws presented prior to 10 a.m. on June . 30, 1960, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.
- b. The lands have been open to applications and offers under the mineral leasing laws and to locations under the mining laws.

Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Room 1000, California Fruit Building, 4th and J Streets, Sacramento 14, California.

> WALTER E. BECK. Manager, Land Office, Sacramento.

8:48 a.m.]

4924 NOTICES

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service SUGARCANE

Notice of Hearing on Wages and Prices in Louisiana; Designation of Presiding Officers

Pursuant to the authority contained in section 301(c) (1) and (2) of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U.S.C. 1131), and in accordance with the rules of practice and procedure applicable to wage and price proceedings (7 CFR 802.1 et seq.), notice is hereby given that a public hearing will be held in Thibodaux, Louisiana, in the Grand Theatre on July 14, 1960, beginning at 9:30 a.m.

The purpose of such hearing is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1), pursuant to the provisions of section 301(c)(1) of said Act, fair and reasonable wage rates for persons employed in the harvesting of the 1960 crop of sugarcane, and in the production and cultivation of sugarcane during the calendar year 1961, and (2), pursuant to the provisions of section 301(c)(2) of said Act, fair and reasonable prices for the 1960 crop of sugarcane to be paid. under either purchase or toll agreements, by producers who process sugarcane grown by other producers and who apply for payments under the Act.

In the interest of obtaining the best possible information, all interested persons are requested to appear at the hearing to express their views and present appropriate data in regard to wages and prices. While testimony on all pertinent points is desired, it is especially requested that witnesses be prepared to offer information and recommendations on the following matter regarding fair prices for sugarcane:

Season's average prices for raw sugar and molasses. The 1959 crop determination provided the period October 9, 1959 through January 28, 1960 for determining the season's average price of raw sugar, and the period October 9, 1959 through April 28, 1960 for determining the season's average price of blackstrap molasses. What periods will provide an equitable basis for pricing raw sugar and molasses of the 1960 crop?

The hearing, after being called to order at the time and place mentioned herein, may be continued from day to day within the discretion of the presiding officers and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearing by the presiding officers.

Tom O. Murphy and A. A. Greenwood are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearing.

Issued this 27th day of May 1960.

LAWRENCE MYERS,
Director, Sugar Division,
Commodity Stabilization Service.

[F.R. Doc. 60-5059; Filed, June 2, 1960; 8:54 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary HENRY G. MAGNUSSEN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the Federal Register during the last six months.

A. Deletions: None.

B. Additions: American Electronics, Telecomputing, Melville Shoe Co.

This statement is made as of May 25, 1960.

Dated: May 25, 1960.

HENRY G. MAGNUSSEN.

[F.R. Doc. 60-5021; Filed, June 2, 1960; 8:50 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-115]

UNIVERSITY OF TENNESSEE

Notice of Withdrawal of Application for Construction Permit

Please take notice that by letter dated May 2, 1960, the University of Tennessee has withdrawn its application dated September 1, 1958, for a construction permit for a Class 104 facility. The withdrawal does not prejudice submittal by the University of a new application at a later date.

Dated at Germantown, Md., this 20th day of May 1960.

For the Atomic Energy Commission.

R. L. Kirk,

Deputy Director, Division of

Licensing and Regulation.

[F.R. Doc. 60-4980; Filed, June 2, 1960; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13535; FCC 60-620]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Order Instituting Investigation

In the matter of American Telephone and Telegraph Company, Docket No. 13535; regulations and charges for switching and selecting equipment (common user group) for use with channels of telephone grade furnished for the remote operation of mobile radiotelephone systems and for channel terminals and terminal equipment in connection with Schedule 5 channels for data transmission (filed on behalf of the Lincoln-Tillamook Telephone Company).

At a session of Federal Communications Commission held at its offices in Washington, D.C., on the 25th day of May 1960;

The Commission having under consideration 1) certain tariff schedules filed by the American Telephone and Telegraph Company on behalf of the Lin-coln-Tillamook Telephone Company, a connecting carrier, under Transmittal Nos. 6288 and 6289, to become effective May 30, 1960, establishing new regulations and charges applicable to switching and selecting equipment (common user group) for use with channels of telephone grade furnished for remote operation of mobile radiotelephone systems and also applicable to channel terminals and terminal equipment in connection with Schedule 5 channels for data transmission, such tariff schedules being respectively designated A.T. & T. Tariff F.C.C. No. 135, 3d Revised Page 42AB and A.T. & T. Tariff F.C.C. No. 237, 1st Revised Page 19, and 2) a petition by the United States of America, through its Administrator of General Services. filed May 20, 1960, requesting that the Commission suspend the above new and revised tariff schedules and that it initiate a hearing and investigation into the lawfulness thereof;

It appearing that the Commission is unable to determine that the regulations and charges contained in the new and revised tariff schedules are or will be just and reasonable or otherwise lawful under the provisions of section 201(b) or section 202(a) of the Communications Act of 1934, as amended;

It further appearing that no rights and interests of the public will be substantially affected if these regulations and charges are permitted to become effective as scheduled since there is only one customer who would be affected by them and since such customer has a remedy by way of complaint for damages pursuant to the provisions of section 208 of the Communications Act of 1934, as amended, in the event the tariff schedules are determined to be unjust, unreasonable or otherwise unlawful;

It further appearing that GSA's petition raises certain questions relating to compliance with section 203 of the Communications Act of 1934, as amended, and Part 61 of the Commission's rules which are not confined to the tariff schedules under consideration but are of general application and therefore would not be appropriate for consideration in connection with these specific tariff schedules:

It is ordered, That, pursuant to the provisions of sections 201, 202, 204, 205 and 403 of the Communications Act of 1934, as amended, an investigation is hereby instituted into the lawfulness of the above-mentioned tariff schedules, including amendments thereto and successive issues thereof:

It is further ordered, That, without in any way limiting the scope of the investigation, it shall include consideration of the following:

1. Whether any of the classifications, regulations, and practices contained in the above-mentioned tariff schedules are or will be unjust and unreasonable

within the meaning of section 201(b) of the Communications Act of 1934, as amended:

2. Whether the above-mentioned tariff schedules will subject any person or class of persons to unjust or unreasonable discrimination, or give any undue or unreasonable preference or advantage to any person, class of persons, or locality, or subject any person, class of persons, or locality to any undue or unreasonable prejudice or disadvantage within the meaning of section 202(a) of the Communications Act of 1934, as amended;

3. Whether the Commission should prescribe just and reasonable classifications, regulations, and practices to be followed with respect to the services governed by the tariff schedules listed above and, if so, what classifications, regulations, and practices should be prescribed:

It is further ordered, That a hearing be held in this proceeding at the Commission's offices in Washington, D.C., at a time to be specified; and that the examiner to be designated to preside at the hearing shall certify the record to the Commission for decision without preparing either an Initial Decision or a Recommended Decision;

It is further ordered, That American

It is further ordered, That American Telephone and Telegraph Company and the Lincoln-Tillamook Telephone Company are hereby made parties respondent in the proceedings, and the United States of America, through its Administrator of General Services, is hereby granted leave to intervene upon filing notice of intention to participate in these proceedings within twenty days from the date of issuance of the Order;

It is further ordered, That the petition of the United States of America, through its Administrator of General Services, is granted to the extent indicated herein and in all other respects is denied.

Released: May 31, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5028; Filed, June 2, 1960; 8:51 a.m.]

[Docket No. 13527; FCC 60-612]

BABYLON-BAY SHORE BROADCAST-ING CORP. (WBAB)

Order Designating Application for Hearing on Stated Issues

In re application of Babylon-Bay Shore Broadcasting Corp. (WBAB), Babylon, New York, Docket No. 13527, File No. BP-12538; has 1440 kc, 500 w, Day, requests 1440 kc, 1 kw, Day; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 25th day of May 1960:

The Commission having under consideration the above-captioned and described application;

It appearing that except as indicated by the issues specified below, the instant

applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated March 31, 1960, and incorporated herein by reference, notified the applicant, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of the application would serve the public interest, convenience and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the applicant filed a timely reply to the aforementioned letter, which reply has not, however, entirely eliminated the grounds and reasons precluding a grant of the application and requiring an evidentiary hearing on the particular issues hereinafter specified; and

It further appearing that after consideration of the foregoing and the aplicant's reply, the Commission is still unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity; and is of the opinion that the application must be designated for hearing on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WBAB and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal of Babylon-Bay Shore Broadcasting Corp. would involve objectionable interference with Stations WBIS, Bristol, Connecticut and WNJR, Newark, New Jersey, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience, and necessity.

It is further ordered, That Bristol Broadcasting Corporation and Continental Broadcasting, Inc., licensees of Stations WBIS and WNJR, respectively, are made parties to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person, or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and pre-

sent evidence on the issues specified in this order.

Released: May 31, 1960.

Federal Communications
Commission,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5029; Filed, June 2, 1960; 8:52 a.m.]

[Docket No. 13461; FCC 60M-918]

J. P. BEACOM ET AL.

Order Continuing Hearing

In re application of J. P. Beacom (transferor), Docket No. 13461, File No. BTC-3360; and Thomas P. Johnson and George W. Eby (transferee), for consent to the relinquishment of positive control of WJPB-TV, Inc., permittee of Station WJPB-TV, Weston, Virginia.

On the oral request of counsel for protestant WSTV, Inc., and without objection by counsel for the other parties: It is ordered, This 26th day of May 1960, that the hearing now scheduled for June 15 is rescheduled to Monday, June 20, 1960 at 2 p.m., in the offices of the Commission, Washington, D.C.

Released: May 27, 1960.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,

Acting Secretary.

[F.R. Doc. 60-5030; Filed, June 2, 1960; 8:52 a.m.]

[Docket No. 13501; FCC 60M-921]

CONCORD KANNAPOLIS BROADCASTING CO.

Order Scheduling Prehearing Conference

In re application of Concord Kannapolis Broadcasting Company, Concord, North Carolina, Docket No. 13501, File No. BPH-2826; for construction permit (FM).

It is ordered, This 27th day of May 1960, that a prehearing conference in the above-entitled proceeding will be held in the Offices of the Commission, Washington, D.C., at 9:00 a.m., Thursday, June 2, 1960.

Released: May 27, 1960.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,

Acting Secretary.

[F.R. Doc. 60-5031; Filed, June 2, 1960; 8:52 a.m.]

[Docket No. 13524]

J. R. CONNELL

Order To Show Cause

In the matter of Dr. J. R. Connell, d/b/a Animal Clinic, Route No. 1, Sheridan, Wyoming, Docket No. 13524, order to show cause why there should not be revoked the license for Special Emergency Station KOI-958.

4926 NOTICES

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station:

It appearing that pursuant to § 1.61 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows:

Official Notice of Violation was mailed to the licensee on November 20, 1959, alleging that on November 14, 1959 the licensee was found to be in violation of § 10.161(c) (d) of the Commission's rules in that the said licensee did not maintain a radio station log or station records as is required by said Section.

It further appearing that the abovenamed licensee received said Official notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated January 25, 1980, and sent by Registered Mail, Return Receipt Requested (No. 74948), requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that his failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing that said letter, Registered as aforesaid, was returned to the Commission on or about February 12, 1960, by the Sheridan, Wyoming branch of the Post Office for the reason that the said licensee had failed to claim said letter; and

It further appearing that the Commission, by letter dated February 15, 1960, and sent by Registered Mail, Return Receipt Requested (No. 76293) again attempted to call the matter to the said licensee's attention, but that said letter was returned on March 2, 1960 by said Post Office for the reason that the said licensee again failed to claim said letter; and

It further appearing that the Commission, upon being advised by said branch Post Office that the said licensee habitually refused to pick up such Registered Mail, duly sent a letter directed to the licensee at his address of record on April 15, 1960, by Ordinary Mail. calling said licensee's attention to his failure to reply to said official notice dated November 20, 1959. Said letter also contained a copy of said official notice together with a copy of the aforementioned Commission letter dated January 25, 1960, and demanded that the licensee explain his failure to reply to the former letter. He was also required to account for the occurrence of the violations and to specify the corrective action taken with respect thereto; and

It further appearing that the aforementioned Commission letter duly mailed on April 15, 1960, as aforesaid has not been returned and that more than one (1) month has elapsed since the mailing thereof; and It further appearing that the said licensee has not responded to said letter; and

It further appearing that in view of the foregoing, the licensee has repeatedly violated § 1.61 of the Commission's rules:

It is ordered, This 25th day of May 1960, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and section 0.219(b) (8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the abovecaptioned Radio Station should not be revoked and appear and give evidence in respect thereto at a hearing 1 to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by Certifled Mail, Return Receipt Requested to the said licensee.

Released: May 27, 1960.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5032; Filed, June 2, 1960; 8:52 a.m.]

[Docket Nos. 13525, 13526; FCC 60-611]

SIMON GELLER AND ASSOCIATED ENTERPRISES

Order Designating Applications for Consolidated Hearing on Stated Issues

In re application of Simon Geller, Gloucester, Massachusetts, Docket No. 13525, File No. BP-11667, requests 1410 kc, 500 w, DA-2, U, Alan C. Tindal, Krisțian Solberg, Paul Monson, and John J.

Section 1.62 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard, shall, in person or by his attorney, file with the Commission, within thirty days of the receipt of the order to show cause, a written statement stating that he will appear at the hearing and present evidence on the matter specified in the order. In the event it would not be possible for respondent to appear for hearing in the proceeding if scheduled to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the order to show cause. If such statement contains, with particularity, factual allegations denying or justifying the facts upon which the show cause order is based, the Hearing Examiner may call upon the submitting party to furnish additional in-formation, and shall request all opposing parties to file an answer to the written statement and/or additional information. record will then be closed and an initial decision issued on the basis of such procedure. Where a hearing is waived and no written statement has been filed within the thirty days of the receipt of the order to show cause, the allegations of fact contained in the order to show cause will be deemed as correct and the sanctions specified in the order to show cause will be invoked.

Sullivan, d/b as Associated Enterprises, Brockton, Massachusetts, Docket No. 13526, File No. BP-11630, requests 1410 kc, 1 kw, DA-D, for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 25th day of May 1960;

The Commission having under consideration the above-captioned and described applications;

It appearing that except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate its proposed station; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated December 14, 1959, and incorporated herein by reference, notified the applicants and any other known party in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of the applications would serve the public interest, convenience and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices: and

It further appearing that the applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant of the applications and requiring an evidentiary hearing on the particular issues herein-

after specified; and

It further appearing that Simon Geller, in pleadings filed on September 25 and December 23, 1959, requested the Commission to consolidate in a hearing on his application the applications of Plymouth Rock Broadcasting Co., Inc. (a) to increase the daytime power of Station WPLM, Plymouth Rock, Massachusetts (1390 kc, 5 kw, DA-D), File No. BP-11825, granted on January 1, 1959, and (b) to modify the permit to operate night-time with a power of 5 kw, Directional Antenna, File No. BMP-8411, because the said WPLM operations would involve 2 and 25 mv/m overlap with the Geller proposal in contravention of the provisions of § 3.37 of the Commission rules; but that we find the overlap would occur approximately 42 to 45 miles from the Geller transmitter site and approximately 5 miles from the WPLM transmitter site immediately along the coast; that, with the physical separation which exists between the proposed Geller operation and the WPLM location, it would not appear that there should be any substantial overlap of service areas where the presence of high signal intensities from the respective stations would give rise to interference caused by non-selectivity, external cross-modulation, and internal cross-modulation; and that, therefore, the Commission this day waived the provisions of § 3.37 of the rules with respect to the WPLM pro-posals and granted the said WPLM application for modification of permit to operate night-time with a power of 5 kilowatts, directional antenna, without prejudice to a grant of the instant Geller application; and

It further appearing that after consideration of the foregoing and of the instant applicant's reply, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience and necessity; and is of the opinion that the applications must be designated for hearing on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the instant proposals and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal of Associated Enterprises would involve objectionable interference with Station WHIL, Medford, Massachusetts, or any other existing standard broadcast station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether the instant proposal of Simon Geller is in compliance with the provisions of §§ 3.28(c), 3.182, and 3.188 of the Commission rules, and, if not, whether circumstances exist which would warrant a waiver of each of said sections.

4. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient and equitable distribution of radio service.

5. To determine, in light of the evidence adduced pursuant to the foregoing issues, whether a grant of either of the instant applications would serve the public interest, convenience, and necessity.

It is further ordered, That Conant Broadcasting Company, Inc., licensee of Station WHIL, Medford, Massachusetts, is made a party to the proceeding;

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and the party respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

Released: May 31, 1960.

FEDERAL COMMUNICATIONS COMMISSION, BEN F. WAPLE.

[SEAL] BEN F. WAP

Acting Secretary.

[F.R. Doc. 60-5033; Filed, June 2, 1960; 8:52 a.m.

[Docket No. 13539]

DON GULOVSEN

Order Designating Matter for Hearing on Stated Issues

In the matter of Don Gulovsen, c/o The Warden, United States Penitentiary, Alcatraz, California, Docket No. 13539; suspension of Restricted Radiotelephone Operator Permit.

The Commission having under consideration the suspension of the Restricted Radiotelephone Operator Permits, RP-6E0570, RP-12-41461 and RP-30B4314, issued to Harry Donald Gulovsen also known as Don Gulovsen, Donald David Gulovsen, Harry U. Barkoff and David Hoelling; and

It appearing that acting in accordance with the provisions of section 303(m) (2) of the Communications Act of 1934, as amended, the above named party filed with the Commission a timely application for a hearing on the Commission's Order dated April 28, 1960, suspending his restricted radiotelephone operator permits; and

It further appearing that under the provisions of section 303(m) (2) of the Communications Act of 1934, as amended, the said permittee is entitled to a hearing in this matter and that upon the filing of a timely written application therefor, the Commission's Order of Suspension is held in abeyance until the conclusion of the proceeding in this matter.

It is ordered, This 27th day of May 1960, that the matter of the suspension of the Restricted Radiotelephone Operator Permits of Don Gulovsen, are hereby designated for hearing before Commission Examiner, James D. Cunningham on June 30, 1960, at 10:00 a.m., in San Francisco, California, on the following issues:

1. To determine whether the above named permittee by not disclosing criminal convictions and in one instance by using the assumed name of Harry U. Barkoff obtained radio operator licenses by fraudulent means in violation of § 13.70 of the Commission's rules.

2. To determine whether the above named permittee by representing to the management of Broadcasting Station KENL that he held a Radiotelephone First Class Operator License and by performing duties not authorized under a Restricted Radiotelephone Operator Permit at Broadcasting Station KENL, Arcata, California, he violated §§ 13.61 (h) and 13.62(c) of the Commission's rules.

3. To determine in the light of the evidence adduced in the preceding issues whether the terms of the original Order of Suspension should be made final, rescinded, or modified.

It is further ordered, That a copy of this order be transmitted by Registered Mail, Return Receipt Requested, to Don Gulovsen and that he notify the Commission in writing within 10 days after the receipt of this order that he will ap-

pear in person or by counsel at said hearing.

Released: May 27, 1960.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,

Acting Secretary.

[F.R. Doc. 60-5034; Filed, June 2, 1960; 8:52 a.m.]

[Docket Nos. 13518-13521; FCC 60M-919]

HUB CITY BROADCASTING CO., INC. (WHSY) ET AL.

Order Scheduling Prehearing Conference

In re applications of Hub City Broadcasting Company, Inc. (WHSY), Hattiesburg, Mississippi, Docket No. 13518, File No. BP-12170; Veterans Broadcasting Company, a partnership composed of Max H. Jacobs, Douglas B. Hicks, Bailey Swenson, Leon Green and David H. Morris (KNUZ), Houston, Texas, Docket No. 13519, File No. BP-12179; Price Broadcasting Corporation, Inc., Fairhope, Alabama, Docket No. 13520, File No. BP-12654; Radio New Orleans, Inc. (WJBW), New Orleans, Louisiana, Docket No. 13521, File No. BP-12940; for construction permits.

Pursuant to the provisions of § 1.111 of the Commission's rules: It is ordered, This 27th day of May 1960, that a prehearing conference in the above-entitled proceeding be convened at the Commission's offices, Washington, D.C., Tuesday, June 14, 1960, at 10:00 a.m.

To the extent it may be feasible in this multi-party proceeding the parties are requested to seek agreement beforehand on such routine matters as dates for further prehearing conferences, hearing dates, and the manner of presentation (e.g., whether oral or by written case procedure).¹

Released: May 27, 1960.

FEDERAL COMMUNICATIONS COMMISSION, .

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5035; Filed, June 2, 1960; 8:52 a.m.]

[Docket No. 13429; FCC 60M-917]

INDEPENDENT BROADCASTING CO. (KTTS)

Order Continuing Hearing

In re application of Independent Broadcasting Company (KTTS), Springfield, Missouri, Docket No. 13429, File No. BP-12158; for construction permit.

In all events each party individually is expected to be fully prepared at the conference to discuss practicable methods directed to the elimination of unessentials and to the orderly and expeditious conduct of the hearing.

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The Hearing Examiner having before him a motion filed by Independent Broadcasting Company on May 24, 1960, for continuance of the hearing from May 31, 1960, to July 11, 1960; and

It appearing that the Broadcast Bureau, the only other party to the proceeding, consents to grant of the motion and to its immediate consideration;

It is ordered, This 26th day of May 1960, that the motion is granted; and the hearing in the above-captioned proceeding now scheduled for May 31, 1960, is continued to July 11, 1960.

Released: May 27, 1960.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,

Acting Secretary.

[F.R. Doc. 60-5036; Filed, June 2, 1960; 8:53 a.m.]

[Docket No. 13180; FCC-60N-920].

RODNEY F. JOHNSON (KWJJ)

Order Continuing Hearing

In reapplication of Rodney F. Johnson (KWJJ), Portland, Oregon, Docket No. 13180, File No. BP-12056; for construction permit.

Upon the Examiner's own information and belief that a petition for leave to amend the application in the above-entitled matter will be filed on May 26 or May 27, 1960, and that the petition will pray that the application be transferred to the processing line and that the further hearing now scheduled to commence on May 31, 1960, be continued without date:

It is ordered, This 26th day of May 1960, that the aforesaid hearing be and it hereby is continued without date.

Released: May 27, 1960.

FEDERAL COMMUNICATIONS COMMISSION,

BEN F. WAPLE, [SEAL]

Acting Secretary.

[F.R. Doc. 60-5037; Filed, June 2, 1960; 8:53 a.m.]

[Docket Nos. 13276-13279; FCC 60M-926]

LARAMIE BROADCASTERS ET AL.

Order Continuing Hearing

In re applications of Grady Franklin Maples, Edna Hill Maples, George G. Entz and William R. Vogel d/b as Laramie Broadcasters, Laramie, Wyoming, Docket No. 13276, File No. BP-12166; Garden of the Gods Broadcasting Company (KCMS), Manitou Springs, Colorado, Docket No. 13277, File No. BP-12339; Boulder Radio KBOL, Inc. (KBOL), Boulder, Colorado, Docket No. 13278, File No. BP-12572; T. I. Moseley, Denver, Colorado, Docket No. 13279, File -13147; for construction permits.

The Hearing Examiner having under consideration the necessity of changing the date of hearing;

It appearing that the Hearing Examiner is obliged to change the date of hearing because of a conflict in his schedule:

It is ordered, This 27th day of May 1960, that the hearing scheduled for June 15 is continued to June 30, 1960.

Released: May 27, 1960.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, Acting Secretary.

[F.R. Doc. 60-5038; Filed, June 2, 1960; 8:53 a.m.l

[Docket No. 13222 etc.; FCC 60-599]

MICHIGAN BROADCASTING CO. (WBCK) ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of Michigan Broadcasting Company (WBCK), Battle Creek, Michigan, et al., Docket No. 13222, File No. BP-11439, etc.; for construction permits.

1. The Commission has before it for consideration (1) a petition to enlarge issues, filed November 18, 1959, by Sam Kamin and James A. Howenstein, d/b as Citizens Broadcasting Company, (2) an opposition to the petition, filed December 7, 1959, by the Commission's Broadcast Bureau; and (3) a reply to the opposition, filed December 17, 1959, by Citizens Broadcasting Company.

2. Citizens Broadcasting Company (Citizens) and Western Ohio Broadcasting Company (Western Ohio) are mutually exclusive applicants for new standard broadcast stations at Lima and Delphos, Ohio, respectively, and their applications were consolidated for hearing by Order released October 28, 1959 (FCC 59-1079). Each of these applications is also mutually exclusive with several other applications in the abovecaptioned proceeding. The standard 307(b) issue is included among the hearing issues specified in the designation order

3. In its petition, Citizens requests that the issues be enlarged to include the following issues:

To determine on a comparative basis, in the event that either Lima or Delphos, Ohio, is selected as having the greatest need pursuant to section 307(b), which of the opera-tions proposed by Charles F. Trivette and Herman C. Dotson, d/b as Western Ohio Broadcasting Co., and Sam Kamin and James A. Howenstein, d/b as Citizens Broadcasting Company, would better serve the public interest in the light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the two applicants as to:

(a) The background and experience of each having a bearing on its ability to own and operate the proposed standard broadcast station.

- (b) The proposals of each with respect to the management and operation of the proposed station.
- (c) The programming service proposed in each of said applications.
- 3. In support of its request, Citizens states that the proposed sites of both applicants' studios and transmitters are in the Allen County metropolitan area, of which Lima (population 50,246) is the county seat; that the city limits of the

two cities are twelve miles apart; that the proposed site of Western Ohio's facilities is 2 miles southeast of Delphos (population 6,220), and 10 miles northwest of Lima; that petitioner's proposed transmitter site is approximately 14 miles from that of Western Ohio's proposed site; and that the applications of Citizens and Western Ohio show that the proposal of each of them would place a 2 my/m signal over the city of the other. Citizens states that in view of these circumstances, should either Lima or Delphos be found to have the greater need under the 307(b) issue in this proceeding, the usual engineering showings under that section cannot form the basis for a decision as between Citizens and Western Ohio, and that a choice between the two can be made only under the standard comparative issue.

4. In further support of its request, Citizens states that in 307(b) cases, the Commission has followed the holding in FCC v. Allentown Broadcasting Corp., 349 U.S. 358 (1955), by first determining which community has the greater need for additional service, and then determining which applicant can best serve that need. It also notes, in this connection, that since Delphos has less than 10,000 population, Citizens could provide a primary service to the entire city. of Delphos, as defined in § 3.184(g),1 whereas Western Ohio, with its 2 mv/m signal over Lima, would provide, under § 3.182(f).2 primary service to the residential areas of Lima but not to its business or industrial areas. In view of this circumstance, Citizens suggests that the Commission may deem it appropriate to frame the issue so as to require comparative consideration only in the event the 307(b) question is resolved in favor of Delphos.

5. Citizens further argues that the proximity of the two applicants may render impossible a choice under 307(b). It notes that both applicants propose Class II stations to operate on a Class I-B frequency, and that § 3.22(b) describes a Class II station as a secondary station which is "designed to render service over a primary service area which is limited and subject to such interference as may be received from Class I stations." Thus, Citizens argues, there is presented a situation much like that involved in Radio Tampa, 16 RR 724 (1958), and Broadcasters, Inc., 16 RR 295 (1957), rendering unlikely the possibility of a choice under 307(b). It also cites Huntington Broadcasting Company, Inc., 5 RR 721, 6 RR 569 (1956), as supporting its request.

6. Though conceding that a choice between Citizens and Western Ohio can

¹ Section 3.182(g) provides that in determining the population of the primary service area, the satisfactory value of the signal in towns with population of up to 2500 is 0.5 mv/m, and from 2500 to 10,000 it is 2.0 mv/m.

² Section 3.182(f) provides that for cities over 10,000 populations, a 2 mv/m signal will provide primary service to residential areas but not to business or industrial areas. For the latter areas, a signal strength of 10 to 50 mv/m is specified.

probably not be made under 307(b), the Bureau opposes the addition of a comparative issue because of the existence of 307(b) problems between each of the applicants and several other proposals involved in this proceeding, and because of the interference problems affecting the proposals of Citizens and Western Ohio. The Bureau indicates that because it is essential to resolve the interference and other 307(b) problems affecting each of the applicants, as well as the question of whether Lima and Delphos are separate communities, "it cannot be concluded at this time that the chance of indecision in making a 307(b) choice is so great that the record should be burdened with the additional evidence which would be required to compare the Delphos and Lima applicants on a comparative basis." The Bureau also states that evidence as to whether Lima and Delphos are separate communities is admissible under the present 307(b) issue, and that the addition of a new issue for this purpose is not necessary, citing in support of Manchester Broadcasting Co., 14 RR 219 (1958) and Valley Broadcasting Company, 18 RR 629 (1959).

7. In reply to the Bureau, Citizens maintains that the probability of Delphos or Lima prevailing under 307(b) is not remote, and it asserts that the pattern of interference conflicts among the several communities is such that many of the applications can be granted in certain combinations including Lima or Delphos, but not both. Should any such combination be selected on 307(b) grounds, Citizens submits that the Examiner could not, under the present issues, make a choice between Citizens and Western Ohio and a further hearing would be required. Such further hearing, according to Citizens, would present two difficulties. First, the outcome of the comparative hearing could nullify any preliminary 307(b) determination that a certain combination of cities should be granted, since the particular applicant preferred in the comparison might not be compatible from an interference standpoint, with the combination tentatively selected; and in that event further 307(b) consideration would have to be given to other combinations. The Bureau offers no solution, according to Citizens, as to how, in the light of this problem, the Examiner could decide the 307(b) issue without at the same time making a comparative determination between Citizens and Western Ohio. Second, Citizens argues that even if the Examiner were able to decide the 307(b) question, and if Lima or Delphos were preferred, the Bureau indicates no procedure (in view of the requirements as to when petitions to enlarge must be filed) by which the hearing issues could at that time be enlarged to include the comparative determination required by

the Allentown decision.

8. The standard 307(b) issue calls for a determination of which of the cities involved has the greater need for a new broadcast service. Where applicants for different cities are consolidated for hearing because of engineering conflicts between them, the determination under the 307(b) issue will under normal cir-

cumstances also be decisive of the question of which of the otherwise qualified applicants should receive the grant. The 307(b) issue is not, however, determinative where the cities involved, though separate legal entities, are not separate communities within the contemplation of section 307(b) of the Act, and a choice between two or more qualified applicants can under such circumstances be made only by a comparative consideration of their qualifications. See Huntington Broadcasting Company, supra; Consolidated Broadcasting Industries, Inc., FCC 60-413 (1960); Radio St. Croix, FCC 59-1258 (1959). Nor will a determination under the 307(b) issue be dispositive of the question of which application is to be granted if the community selected as having the greater need would receive service 3 not only from the applicant for that community, but also from applicants for communities which were not preferred under the 307(b) issue. Under such circumstances, the decision in Allentown, supra, requires a comparative consideration of the qualifications of the applicants which would provide service to the favored com-See Consolidated Broadcastmunity. ing Industries, Inc., supra.

9. In Consolidated we were confronted with a situation as is presented by the instant pleadings. Thus, it had been alleged that the communities involved might not be separate communities within the contemplation of Section 307(b) of the Act, and also that some of the applicants might provide a primary service to the communities of other applicants. In Consolidated, we added an issue specifically designed to determine the separate community question, and we coupled to that issue a contingent standard comparative issue. We also added an issue specifically designed to determine which of the applicants would provide primary service to the community which, under the 307(b) issue, was selected as having the greatest need for a new facility, and coupled to that issue was a contingent standard comparative issue. Similar issues will be adopted in the instant proceeding.

10. As noted by the Bureau, it has been stated that the standard 307(b) issue permits a determination of the separate community question. As is evident from the issues adopted herein, the circumstances of the instant proceeding, like those in Consolidated, require complex determinations, and we think it is a better practice to adopt issues specifically designed for that purpose rather than to rely on the standard 307(b) issue. Accordingly, where, at the time of designation, it appears that a

separate community question may be presented, an issue specifically directed to that question, along with a contingent standard comparative issue, should be included in the hearing issues; where the problem arises after designation, a petition to enlarge issues should be filed. In accordance with the views expressed herein, the standard 307(b) issue in designation orders hereafter released is not to be construed as permitting a determination of the separate community question.

11. In the instant pleadings, it has been alleged that Lima and Delphos may be part of a single community. allegation has not been controverted in any of the reply pleadings, and an issue to determine that question will therefore be added. Moreover, the petitioner has alleged, without contradiction in the reply pleadings, that the Lima and Delphos applicants would provide a 2 mv./m. signal to the community of the other, and it may well be that each applicant might provide service (as that term is used herein) to the community of the other. In view of this possibility, an issue directed to that question will be added.

12. It may be noted that some of the issues included herein, although they correspond in part to the issue requested in Citizens' petition, are being added on our own motion. The procedure contemplated by these issues is as follows: First. there is to be a determination, under Issue 13, whether or not the two communities here involved are to be treated as separate and distinct communities for the purpose of 307(b). If so, a determination is to be made, under Issue 14. as to which community is to be preferred. Issue 15 is designed to determine whether the Delphos and Lima applicants would provide a service to the community of the other. In the event it is determined, under Issue 13, that Lima and Delphos are not separate communities, or if they are separate communities, that the applicant for one would provide service to the community of the other, a comparative consideration of the applicants is called for by Issue 16.

Accordingly, it is ordered, This 25th day of May 1960, that, to the extent indicated herein, the petition to enlarge issues, filed by Citizens Broadcasting Company, on November 18, 1959, is granted; and is in all other respects denied;

It is further ordered, By the Commission on its own motion that the Order, released on October 28, 1959 (FCC 59–1079), is amended by renumbering Issues 13, 14, and 15, as Issues 14, 17, and 18, respectively, and by adding new Issues 13, 15, and 16. Issues 13 to 18 shall, accordingly, read as follows:

13. To determine in the light of their location and urban and industrial characteristics, and other relevant factors, whether Delphos, Ohio and Lima, Ohio are separate communities for the purpose of section 307(b) of the Communications Act of 1934, as amended.

14. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant

³ By "service", as that term is used herein and in issues 15 and 16 hereinafter adopted, is meant the service which, under our rules, an applicant is required to provide to the community which it has designated in its application as the community it proposes to serve. Thus, if community A is the favored community under section 307(b), an applicant for community B will be considered comparatively with applicant for community A only if it meets all of the requirements of our rules which applicants for community A are required to meet.

ficient and equitable distribution of radio service.

- 15. To determine, if Delphos and Lima are separate communities, whether Citizens Broadcasting Company and Western Ohio Broadcasting Company will provide service to the community selected as having the greater need for a new facility.
- 16. To determine, if (a) Lima and Delphos are determined not to be separate communities, or (b) if they are separate communities and if it is determined that Citizens Broadcasting Company and Western Ohio Broadcasting Company would provide service to the community determined to have the greater need for a new facility, which of the proposals of Citizens Broadcasting Company and Western Ohio Broadcasting Company would better serve the public interest in the light of the evidence adduced pursuant to the foregoing issues and the record made with respect to significant differences between the applicants as to:
- (1) The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station.
- (2) The proposals of each of the applicants with respect to the management and operation of the proposed station.

(3) The programming service proposed in each of the said applications.

- 17. To determine, on a comparative basis, in the event that Potomac, Maryland or Smithfield, Virginia, is, or are, selected as having the greatest need pursuant to section 307(b), which of the competing applicants for that city would better serve the public interest in the light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:
- (a) The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station.
- (b) The proposals of each of the applicants with respect to the management and operation of the proposed station.
- (c) The programming service proposed in each of the said applications.
- 18. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the instant applications should be granted.

Released: May 31, 1960.

FEDERAL COMMUNICATIONS COMMISSION, BEN F. WAPLE.

[SEAL] Acting Secretary.

[F.R. Doc. 60-5039; Filed, June 2, 1960; 8:53 a.m.]

[Docket No. 13222 etc.; FCC 60M-927]

MICHIGAN BROADCASTING CO. (WBCK) ET AL.

Order Continuing Hearing

In re applications of Michigan Broadcasting Company (WBCK), Battle Creek, Michigan, Docket No. 13222, File No.

proposals would best provide a fair, ef- BP-11439, etc.; Docket Nos. 13223, 13224, 13225, 13226, 13227, 13228, 13229, 13230, 13231, 13232, 13233, 13235, 13237, 13239, 13241, 13242, 13243, 13245, 13246, 13247, 13248, 13249, 13250, 13251; for construction permits.

> In view of the fact that the Commission has added new issues in this proceeding,1 and pursuant to agreement of all counsel in the group involved: It is ordered, This 26th day of May 1960, that the dates heretofore scheduled 2 for (1) the exchange of exhibits with respect to Step 2 of the hearing relative to Group 3, (2) notification of witnesses desired for cross-examination, and (3) the evidentiary hearing be and the same are hereby continued to dates to be hereafter fixed.

> It is further ordered, That a further prehearing conference of Group 3 to consider the new issues and their effect on the procedures heretofore agreed upon, and to fix new dates with respect to Step 2, for the exchange of exhibits, notification of witnesses and hearing will be held at 2 p.m., June 7, 1960, in Washington,

Released: May 27, 1960.

FEDERAL COMMUNICATIONS COMMISSION.

BEN F. WAPLE. [SEAL] Acting Secretary.

[F.R. Doc. 60-5040; Filed, June 2, 1960; 8:53 a.m.]

[Docket Nos. 13507, 13508; FCC 60M-916]

SPRINGFIELD YELLOW CAB CO. AND DAYTON CHECKER CAB CO.

Order for Prehearing Conference

In re applications of Springfield Yellow Cab Company, Docket No. 13507, File No. 30490-LX-59; Dayton Checker Cab Company, Docket No. 13508, File No. 30788-LX-59; for authorizations in the Taxicab Radio Service to operate radio facilities in the cities of Springfield, Ohio, and Dayton, Ohio, respectively.

A prehearing conference in the aboveentitled proceeding will be held on Friday, June 10, 1960, beginning at 10:00 a.m. in the offices of the Commission, Washington, D.C. This conference is called pursuant to the provisions of § 1.111 of the Commission's rules and the matters to be considered are those specifled in that section of the rules.

It is so ordered. This the 25th day of May 1960.

Released: May 26, 1960.

FEDERAL COMMUNICATIONS COMMISSION.

[SEAL] BEN F. WAPLE, Acting Secretary.

[F.R. Doc. 60-5041; Filed, June 2, 1960; 8:53 a.m.]

² See order in this proceeding dated April 29, 1960.

[Docket No. 13503; FCC 60M-922]

KENNETH F. WARREN

Order Scheduling Prehearing Conference

In re application of Kenneth F. Warren, Monterey, California, Docket No. 13503, File No. BPH-2867; for construction permit (FM).

It is ordered, This 27th day of May 1960, that a prehearing conference in the above-entitled proceeding will be held in the Offices of the Commission, Washington, D.C., at 1:30 p.m., Thursday, June 9, 1960.

Released: May 27, 1960.

FEDERAL COMMUNICATIONS COMMISSION, BEN F. WAPLE,

[SEAL] Acting Secretary.

[F.R. Doc. 60-5042; Filed, June 2, 1960; 8:53 a.m.]

[Docket Nos. 13528-13534; FCC 60-613]

WASHINGTON BROADCASTING CO. (WOL) ET AL.

Order Designating Applications for Consolidated Hearing on Stated

In re applications of Washington Broadcasting Company (WOL), Washington, D.C., has 1450 kc, 250 w, U, req 1450 kc, 250 w, 1 kw-LS, U, Docket No. 13528, File No. BP-12145; Delaware Broadcasting Company (WILM), Wilmington, Delaware, has 1450 kc, 250 w, U, reg 1450 kc. 250 w. 1 kw-LS, U. Docket No. 13529, File No. BP-12250; WDAD, Inc. (WDAD), Indiana Pennsylvania, has 1450 kc, 250 w, U, req 1450 kc, 250 w, 1 kw-LS, U, Docket No. 13530, File No. BP-12455; Centre Broadcasters, Inc. (WMAJ), State College, Pennsylvania, has 1450 kc, 250 w, U, req 1450 kc, 250 w, 1 kw-LS, U, Docket No. 13531, File No. BP-12463; Sky-Park Broadcasting Corporation (WFTR), Front Royal, Virginia, has 1450 kc, 250 w, U, req 1450 kc, 250 w, 1 kw-LS U, Docket No. 13532, File No. BP-12624; Miners Broadcasting Service, Inc. (WPAM), Pottsville, Pennsylvania, has 1450 kc, 250 w, U, req 1450 kc, 250 w, 1 kw-LS, U, Docket No. 13533, File No. BP-13197; Cumberland Valley Broadcasting Corporation (WTBO), Cumberland, Maryland, has 1450 kc, 250 w, U, req 1450 kc, 250 w, 1 kw-LS, U, Docket No. 13534, File No. BP-13471; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 25th day of May 1960;

The Commission having under consideration the above-captioned and described applications;

It appearing that on the basis of the information before us, each of the instant applicants is legally, technically, financially, and otherwise qualified to construct and operate its instant proposal, except as indicated by the issues specified below; and

¹ While Public Notice has been given of such action (May 25, 1960, Public Notice-B-Report No. 1805), the Memorandum Opinion and Order containing the actual text of the issues has not yet been made public and, thus, the precise scope of the issues cannot now be determined.

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated December 9, 1959, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices: and

It further appearing that the instant applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant of the said applications and requiring an evidentiary hearing on the particular issues hereinafter specified; and

It further appearing that after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

- 1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operations of each of the instant applicants and the availability of other primary service to such areas and populations.
- 2. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.
- 3. To determine whether the instant proposal of Station WOL would involve objectionable interference with Station WPRW, Manassas, Virginia, Station WGET, Gettysburg, Pennsylvania, Station WFTR, Front Royal, Virginia, Station WILM, Wilmington, Delaware, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.
- 4. To determine whether the instant proposal of Station WILM would involve objectionable interference with Station WPAM, Pottsville, Pennsylvania, Station WOL, Washington, D.C., Station WFPG, Atlantic City, New Jersey, WGET, Gettysburg, Pennsylvania, WCTC, New Brunswick, New Jersey, BP-11313, Lansdale, Pennsylvania, BP-11934, Lansdale.

Pennsylvania, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether the instant proposal of Station WDAD would involve objectionable interference with Station WTBO, Cumberland, Maryland, Station WJPA, Washington, Pennsylvania, Sta-

tion WMAJ, State College, Pennsylvania, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and

populations.

6. To determine whether the instant proposal of Station WMAJ would involve objectionable interference with Station WDAD, Indiana, Pennsylvania, Station WGET, Gettysburg, Pennsylvania, Station WMPT, South Williamsport, Pennsylvania, Station WTBO, Cumberland, Maryland, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

7. To determine whether the instant proposal of Station WFTR would involve objectionable interference with Station WOL, Washington, D.C. and Station WTBO, Cumberland, Maryland, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

8. To determine whether the instant proposal of Station WPAM would involve objectionable interference with Station WMPT, South Williamsport, Pennsylvania, WILM, Wilmington, Delaware and Station WGET, Gettysburg, Pennsylvania, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

9. To determine whether the instant proposal of Station WTBO would involve objectionable interference with Station WJPA, Washington, Pennsylvania, Station WDAD, Indiana, Pennsylvania, Station WMAJ, State College, Pennsylvania. Station WGET, Gettysburg, Pennsylvania, and WFTR, Front Royal, Virginia, or any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

10. To determine whether the interference received by each instant proposal from any of the other proposals herein and any existing stations would affect more than ten percent of the population within its normally protected primary service area in contravention of § 3.28(c)(3) of the Commission Rules and, if so, whether circumstances exist which would warrant a waiver of said section.

- 11. To determine whether the roof-top antenna system proposed by Washington Broadcasting Company (BP-12145) is in compliance with § 3.188(d) of the rules and, if not, whether circumstances exist which would warrant a waiver of said section.
- 12. To determine whether the transmitter site proposed by Washington Broadcasting Company (BP-12145) is satisfactory with particular regard to any conditions that may exist in the vicinity of the antenna system which would distort the proposed antenna radiation pattern.

13. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

14. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the instant applications should be granted.

It is further ordered. That the following licensees which are applicants in the instant proceeding are made parties thereto with respect to their existing operations:

Sky-Park Broadcasting Corporation (WFTR, Front Royal, Va.).

Delaware Broadcasting Company (WILM, Wilmington, Del.).

Miners Broadcasting Service, Inc. (WPAM, Pottsville, Pa.).

Washington Broadcasting Company (WOL, Washington, D.C.).

Cumberland Valley Broadcasting Corporation (WTBO, Cumberland, Md.)

Centre Broadcasters, Inc. (WMAJ, State College, Pa.).

WDAD, Inc. (WDAD, Indiana, Pa.).

It is further ordered, That the following licensees of the stations indicated are made parties to the proceeding:

Prince William Broadcasting Corporation

(WPRW, Manassas, Va.).
Times and News Publishing Company
(WGET, Gettysburg, Pa.).

WFPG, Incorporated (WFPG, Atlantic City,

Raritan Valley Broadcasting Co., Inc. (WCTC, New Brunswick, N.J.).
Donald W. Huff (BP-11313, Lansdale, Pa.).

Equitable Publishing Company (BP-11934,

Lansdale, Pa.).
Washington Broadcasting Company (WJPA, Washington, Pa.).
Galen D. Castlebury, Jr., tr/as Will-Mont

Broadcasting Co. (WMPT, So. Williamsport,

It is further ordered, That in the event of a grant to Miners Broadcasting Service, Inc. (BP-13197), the permittee shall take appropriate steps that may be necessary to prevent cross-modulation or reradiation with the present operation of Station WPPA, Pottsville, Pennsylvania and shall cooperate with said station in eliminating any problems that may occur in the event of a grant of application, File No. BP-13265 which proposes a daytime power increase for Station WPPA.

It is further ordered, That in the event of a grant to Cumberland Valley Broadcasting Corporation (File No. BP-13471), the permittee shall take appropriate steps that may be necessary to prevent cross-modulation or reradiation with the present operation of Station WCUM and shall cooperate with WCUM to eliminate

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any additional interaction problems that may occur in the event of a grant of application of File No. BP-13357 which proposes a daytime power increase for WCUM.

It is further ordered, That, to avail themselves of the opportunity to be heard, each of the applicants and parties respondent, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: May 31, 1960.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,

Acting Secretary.

[F.R. Doc. 60-5043; Filed, June 2, 1960; 8:53 a.m.]

[Docket No. 13460; FCC 60M-915]

BILLY G. WATTERS

Order Continuing Hearing

In the matter of Billy G. Watters, 315 South Third Street, Elkhart, Indiana, Docket No. 13460; order to show cause why there should not be revoked the license for Citizens Radio Station 18W5911.

The Hearing Examiner having under consideration a "Motion to Continue Proceedings" filed by the Acting Chief, Safety and Special Radio Services Bureau, Federal Communications Commission, on May 24, 1960, requesting that the hearing in the above-entitled matter presently scheduled for June 10, 1960, be adjourned indefinitely; and

It appearing that the Order to Show Cause in the above-entitled matter was released and mailed to the respondent on April 13, 1960, by Certified Mail, Return Receipt Requested at the mailing address appearing on his application for station license: and

It further appearing that on May 4, 1960, said Order to Show Cause was returned to the Commission by the United States Post Office bearing the stamped endorsement "unclaimed"; and

It further appearing that the Order fixing June 10, 1960, and Washington, D.C., as the time and place of hearing was released and mailed on April 15, 1960, to the respondent at the mailing address appearing on his application for station license, and was received in person by the respondent on April 19, 1960; and

It further appearing that good cause exists for a grant of the motion to continue the hearing in this matter pending further Bureau attempts to obtain service of the said Order to Show Cause; and

It further appearing that the public interest requires immediate consideration of the aforesaid motion to continue proceedings without waiting for the four-day period specified in § 1.43 of the Commission's rules;

Now therefore, it is ordered, This 25th day of May 1960, that the "Motion to Continue Proceedings" filed on May 24, 1960, by the Acting Chief, Safety and Special Radio Services Bureau, requesting continuance of the hearing presently scheduled in the above-entitled matter for June 10, 1960, be, and the same is, hereby granted; and

It is further ordered, That the hearing previously scheduled for June 10, 1960, be, and the same is, hereby continued to a date to be set by subsequent order.

Released: May 26, 1960.

FEDERAL COMMUNICATIONS COMMISSION.

[SEAL] BEN F. WAPLE,

Acting Secretary.

[F.R. Doc. 60-5044; Filed, June 2, 1960; 8:53 a.m.]

[Docket Nos. 12432-12435; FCC 60-596]

WILSON BROADCASTING CORP. ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of Wilson Broadcasting Corporation, New Bedford, Massachusetts, Docket No. 12432, File No. BPCT-2232; E. Anthony & Sons, Inc., New Bedford, Massachusetts, Docket No. 12433, File No. BPCT-2233; Eastern States Broadcasting Corp., New Bedford, Massachusetts, Docket No. 12434, File No. BPCT-2252; New England Television Company, Inc., New Bedford, Massachusetts, Docket No. 12435, File No. BPCT-2425; for construction permits for new television broadcast stations.

1. The Commission has before it (a) the following requests of E. Anthony & Sons, Inc. (Anthony); a petition (addressed directly to the Commission) for leave to amend application; a petition for immediate action thereon; and a request for Commission action to accept amendments to application filed June 18, 1959, January 18, 1960, and March 30, 1960, respectively; (b) a petition for leave to amend and a request for conference with the Commission en banc filed July 17, 1959, and February 8, 1960, respectively, by Eastern States Broadcasting Corp., (Eastern); and (c) an appeal filed March 20, 1959, by Wilson Broadcasting Corporation (Wilson).

2. All applicants in the instant proceeding proposed antenna towers to be located on Martha's Vineyard, Massachusetts, in an area within a radius of three miles from the United States Coast Guard Loran C (radio-navigation) station on that island. Such area was the

only location from which the Channel 6 transmitter for New Bedford would comply with minimum mileage separations from other television stations required by § 3.610 of the Commission's rules. Issue 1 in the proceeding is whether applicants' proposed operations would adversely affect the operation of the Loran C Station. The issue was specified in the light of objections of record made by the Coast Guard prior to designation concerning the probability that a television tower of the height proposed located within close proximity to the Loran C Station would reradiate energy and thus impair the accuracy of the navigational information obtained from that station. At a prehearing conference the Coast Guard indicated that operations from the proposed locations were objectionable for highly classified reasons, relating to the national defense which could not be disclosed at hearing. An appeal from an Examiner's Order scheduling hearing was filed by Wilson Broadcasting Corporation which requested clarification of procedures to be followed in view of the Coast Guard ob-

3. Thereafter Anthony filed a petition for leave to amend to a new transmitter site slightly more than 3 miles from the Coast Guard Loran C station which. Anthony alleged would moot Coast Guard objections. Since the proposed site would involve a separation of 167.8 miles from co-channel Station WCSH-TV, Portland, Maine, a departure of 2.2 miles from the required separation of 170 miles for zone 1 co-channel, the petition included a request for waiver of the minimum mileage separations required by § 3.610 of the Commission's rules. The Commission's Broadcast Bureau opposed any action on the Anthony petition for leave to amend pending Commission action on procedure to be followed under Issue 1. The Coast Guard in a letter to the Commission stated that from its standpoint and considering future uses of the Loran C Station, a greater separation than three miles is desirable and that if the Anthony amendment to a new site and its application is granted the Coast Guard would insist that reradiation characteristics of the television tower be minimized as much as practicable and appropriate measures be taken to maintain the tower electromagnetically stable.2

4. In a petition for immediate action on its request to amend to a new site Anthony states that a settlement has been reached between the applicants; that as a result of such settlement Anthony's application will remain in

¹ Eastern on July 17, 1959, filed a petition for leave to amend to a site on the mainland accompanied by a request for waiver of minimum separations. In view of settlement arrangements, set out infra, whereby Eastern's application will be dismissed, this petition is now moot and will be dismissed.

² Pleadings of other applicants relative to Anthony's proposal are not discussed in view of the settlement referred to in paragraph 4 hereof whereby their applications will be dismissed.

hearing, and the other applications will be dismissed.4 Anthony states that notwithstanding the settlement, the hearing cannot be carried to a conclusion unless some action is taken with respect to Issue 1. Anthony urges that its proposed new site will eliminate Coast Guard objections and that the requested waiver of separations is insubstantial. Further, Anthony states such proposed site will conform to separation requirements if Station WCSH-TV, Portland, Maine, is authorized to effect a currently proposed move of its transmitter to a location more than 170 miles from Anthony's proposed site. Anthony makes alternative requests for action on its proposed amendment including a request that the question of waiver of separations be designated for hearing. Eastern whose interests will be merged with Anthony under the settlement requests a conference of all parties with the Commission en banc as a means of clarifying and expediting the proceeding.

5. In its request for Commission action to accept amendments to its application, Anthony alleges, among other things, that an agreement has been reached with the Coast Guard predicated on its proposed amended site; that under the agreement the Coast Guard would withdraw its objections presented under Issue 1 with reference to the proposed amended site and Anthony would agree to include certain specified terms and conditions in its construction permit relative to construction, shielding and operation of the antenna tower at such site. Anthony urges that the Commission (1) grant Anthony's petition for leave to amend to a new site and request for waiver of minimum separations; (2) grant its petition for leave to amend, filed January 18, 1960, to reflect the settlement arrangements; (3) terminate rule-making proceedings in Docket No. 13264 proposing to delete Channel 6 from New Bedford and Docket No. 13375 proposing reassignment of Channel 6 from New Bedford to Providence, Rhode Island, instituted November 12, 1959, and January 27, 1960, respectively; and (4) take such further action as it deems necessary and order the Examiner to resume hearing.

6. It does not appear that operations at Anthony's original site can be authorized because of national defense considerations not known until the case reached the hearing stage. In light of the extraordinary circumstances here present, where the only site from which,

consistent with minimum separations, a signal of the required strength might be placed over the principal city, is unavailable due to the proximity of a defense installation, and national defense considerations can be satisfied by selection of a site involving only a slight departure from the rule, it is appropriate to consider whether applicants' request for waiver raises the question of whether the public interest in obtaining the facility at New Bedford may outweigh the considerations which governed the promulgation of the rule. However, the Commission does not believe that action should be taken with respect to Anthony's request for waiver of separations without an evidentiary record as to all pertinent circumstances. Accordingly, the Commission will grant Anthony's petition for leave to amend to a new site and accept its proposed amendment. An issue will be added to the proceeding to determine whether waiver of minimum separations is warranted. Maine Radio and Television Company, licensee of Station WCSH-TV, will be named a party respondent to the proceeding since the waiver if granted would affect its existing license. The issue relative to waiver of minimum separations will be subject to deletion on motion to the Examiner if WCSH-TV is subsequently authorized to and does move its transmitter to a location which would result in Anthony's amended site conforming to minimum separations. In view of the action taken no reason appears for a conference with the parties, and Eastern's request therefor will be denied.

7. The Commission will not take action on Anthony's petition for leave to amend to reflect the settlement agreement; such petition may be considered by the Examiner under §§ 0.231 and 1.311(b) of our rules. The request to terminate rule-making proceedings in Docket Nos. 13264 and 13375 should be the subject of a separate pleading under § 1.12(a) (2) of the Commission's rules. The request, accordingly, will be denied without prejudice to refiling the same by proper pleading.

Accordingly, it is ordered, This 25th day of May 1960, That the petition for leave to amend, filed June 18, 1959, by E. Anthony and Sons, Inc., except to the extent it requests waiver of minimum separations is granted and the amendment tendered therewith is accepted; and that the following issue is added to the proceeding:

To determine whether waiver of § 3.610 of the Commission's rules to permit use of the transmitter site proposed in the application as amended of E. Anthony and Sons, Inc. is warranted.

It is further ordered, That Maine Radio and Television Company, licensee of Station WCSH-TV, Portland, Maine, is made party respondent to this proceeding;

It is further ordered, That the petition for immediate action, and the request for Commission action to accept amendments to application filed January 18, 1960, and March 30, 1960, by E. Anthony and Sons, Inc., are granted to the extent indicated herein and are otherwise denied; and that the request for a conference with the Commission en banc filed February 8, 1960, by Eastern States Broadcasting Corp, is denied;

It is further ordered, That the appeal filed March 20, 1959, by Wilson Broadcasting Corporation; and the petition for leave to amend, filed July 17, 1959, by Eastern States Broadcasting Corp. are dismissed.

Released: May 27, 1960.

FEDERAL COMMUNICATIONS COMMISSION.

[SEAL] BEN F. WAPLE,

Acting Secretary.

[F.R. Doc. 60-5045; Filed, June 2, 1960; 8:53 a.m.]

[Docket Nos. 13448-13452; FCC 60M-914]

WTTT, INC. (WTTT) ET AL.

Order Continuing Hearing

In re applications of WTTT, Inc. (WTTT), Arlington, Florida, Docket No. 13448, File No. BP-12059; Onslow Broadcasting Corporation (WJNC), Jacksonville, North Carolina, Docket No. 13449, File No. BP-12309; Ponce de Leon Broadcasting Company (WFOY), St. Augustine, Florida, Docket No. 13450, File No. BP-12322; Indian River Radio, Inc. (WMMB), Melbourne, Florida, Docket No. 13451, File No. BP-12479; Capitol Broadcasting Company, incorporated (WRAL), Raleigh, North Carolina, Docket No. 13452, File No. BP-13130; for standard broadcast construction permits.

Pursuant to agreement reached at a prehearing conference in the above-entitled matter on May 25, 1960: It is ordered, That the hearing in the above-entitled matter presently scheduled for June 6, 1960, be, and the same is, hereby continued, to September 13, 1960.

Released: May 26, 1960.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL]

BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5046; Filed, June 2, 1960; 8:53 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-17350 etc.]

PACIFIC GAS TRANSMISSION CO. ET AL.

Order Fixing Date for Oral Argument

MAY 27, 1960.

Pacific Gas Transmission Company, Docket No. G-17350, G-17351, and G-17352; El Paso Natural Gas Company, Docket No. G-17902 and G-18033; The Montana Power Company, Docket No. G-17370 and G-17371.

^{*}A petition for leave to amend its application to reflect the settlement was filed January 18, 1960, by Anthony. Under the proposed settlement, the interests of Eastern and New England Television Company, Inc., will be merged in the Anthony application. Wilson is to be reimbursed for expenses not in excess of a specified amount.

⁴ The Wilson application has been dismissed by Order released January 26, 1960 (FCC 60M-172), and petitions have been filed to dismiss the Eastern and New England applications.

^{*}On October 1, 1959, Maine Radio and Television Company, licensee of WCSH-TV, Portland, Maine, filed an application (BPCT-2703) to change its transmitter site. This application is currently pending.

The amendment does not indicate that air space clearance has been received for the proposed site. Acceptance thereof, accordingly, will be subject to subsequent addition of an air hazard issue with respect to the site in the event applicant fails to demonstrate that appropriate clearance has been obtained.

Exceptions have been filed to the ini- 1.8 or 1.10). The application is on file tial decision of the Presiding Examiner issued April 29, 1960, in the above-captioned consolidated proceedings and it is appropriate that oral argument be held thereon.

The Commission orders:

(A) Oral argument be had before the Commission on June 21, 1960 at 10:00 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by the exceptions to the aforesaid decision.

(B) Parties to these proceedings intending to participate in the oral argument shall notify the Secretary of the Commission in writing on or before June 9, 1960 of such intention and of the length of time requested for presentation of their arguments.

By the Commission,

MICHAEL J. FARRELL, Acting Secretary.

[F.R. doc. 60-4989; Filed, June 2, 1960; 8:46 a.m.]

[Docket No. E-6941]

SIERRA PACIFIC POWER CO. Notice of Application

MAY 27, 1960.

Take notice that on May 19, 1960, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Sierra Pacific Power Company ("Applicant"), a corporation organized under the laws of the State of Maine and doing business in the States of California and Nevada, with its principal business office at Reno. Nevada, seeking an order authorizing the issuance of \$3,500,000, principal amount of New Debentures. The aforesaid Debentures are to be dated as of July 1, 1960, with The National Shawmut Bank of Boston, as Trustee, containing a sinking fund designed to retire approxi-mately 50 percent of the Debentures prior to maturity. The Debentures will be unsecured but the Indenture will contain provisions restricting Applicant in the creation of specified new liens, and the Company will covenant not to obligate itself with respect to any unsecured funded indebtedness which exceeds 65. percent of total capitalization or does not meet certain earnings requirements. The Debentures will be sold at competitive bidding and will mature on July 1, 1985. The interest or dividend rate, if any, will be determined by competitive bidding. Applicant states that the aforesaid Debentures are to be issued and sold to obtain funds to pay the balance remaining of bank loans, to reimburse Applicant's treasury for construction expenditures heretofore made and to finance additional construction.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 21st day of June 1960, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR and available for public inspection,

MICHAEL J. FARRELL. Acting Secretary.

[F.R. Doc. 60-4990; Filed, June 2, 1960; 8:46 a.m.]

[Docket No. G-20509]

SOUTHERN NATURAL GAS CO.

Order Omitting Intermediate Decision Procedure and Fixing Date for Oral Argument

MAY 27, 1960.

The Presiding Examiner on May 12, 1960, reported to the Commission certain motions entered orally upon the record by staff counsel during the hearing on May 10, 1960. Staff counsel moved for an interim order based upon the sole issue of rate of return, thereby reserving for a subsequent phase of the proceeding all other issues involved therein. Staff counsel, in summary, requested that the Commission determine the proper rate of return to be allowed Southern during the refund period in which the proposed increased rates, which are the subject of this proceeding, may be made effective.

Staff counsel, pursuant to § 1.30(c) of the Commission's rules of practice and procedure, also requested waiver and omission of the intermediate decision procedure on the single separate issue of the proper rate of return to be allowed Southern Natural Gas Company (Southern) in its cost of service for the test period utilized by it in this proceeding.

In support of the said motion for omission of intermediate decision procedure. it was pointed out that Southern's proposed increased rates may become effective on June 1, 1960, by motion filed by Southern in accordance with the provisions of section 4(e) of the Natural Gas Act, although the actual billing for gas delivered on and after that date will not be made until after July 1, 1960. In consideration of these facts, we are requested to consider the aforesaid motion for an interim order, if possible, on or before June 30, 1960. By such early consideration staff seeks a reduction in the level of the proposed increased rates either prior to their becoming effective, or immediately thereafter.

As reported by the Presiding Examiner. the record indicates that all parties, except Southern, join in staff counsel's motion for omission of the intermediate decision procedure. Southern stated that it "took no position" on the motion for omission of such decision. However, staff counsel's motion, first discussed above, requesting the issuance of an interim order, has been opposed by Southern and some of the interveners.1 Southern contends, among other things, that the proposed interim order would be "illegal, unfair, and improper".

Thus, inasmuch as there is no opposi-. tion to the omission of the intermediate decision procedure, only two issues are presented for our consideration, namely, (1) whether an interim order based solely on the issue of rate of return is proper, and (2) what the reasonable rate of return for Southern is for the test period encompassed in this proceeding.

In the interest of saving time, the Presiding Examiner recommended a briefing and oral argument schedule which we find to be appropriate, and we adopt such schedule with minor modifications, as hereinafter provided. Several parties have recommended the waiver of briefing to save time and request that we rely solely upon oral argument. The Examiner recommended the filing of main briefs to be followed by either reply briefs or by oral argument. On May 16, 1960. Southern filed two motions, (1) for oral argument in addition to allowing the filing of both main and reply briefs, and (2) for a conference to be held for the purpose of determining whether by agreement, or otherwise, the issue of rate of return and related income taxes can be decided.

In view of the important issues raised in this proceeding, it would appear that oral argument on these issues should be held in addition to allowing the filing of both main and reply briefs, as hereinafter ordered.

By its above-mentioned motion for a conference, Southern seeks to resolve its claims of "denial of due process" and the "risk of confiscation" arising out of the second or final phase of this pro-ceeding, as proposed by staff counsel's motion for an interim order. Answers objecting to Southern's motion have been filed by Atlanta Gas Light Company, Georgia Public Service Commission and South Atlantic Gas Company. Answers favoring Southern's motion have been filed by Georgia Municipal Association, Géorgia Textile Manufacturers Association, Inc. and Georgia Industrial Gas Users Association. Additionally, South Carolina Natural Gas Company filed an answer stating that it does not oppose Southern's motion. We have considered Southern's motion and find that nothing essentially new or different is contained therein which has not already been the subject of an informal conference, the results of which were stated upon the record on January 28, 1960, and a formal conference held on the record on March 15, 1960. We have examined the record of this proceeding and it appears that there is neither a change in the factual situation nor any new proposal pending which would justify another conference, inasmuch as the two previous conferences, heretofore held, have proven nonproductive.

The Commission finds:

(1) Due and timely execution of our functions imperatively and unavoidably requires that the intermediate decision procedure be omitted in order that we may resolve the single issue of the proper rate of return to be allowed Southern in this proceeding, together with the procedural issue raised by staff counsel's aforementioned motion for an interim order.

¹ Georgia Textile Manufacturers Association, Inc., Georgia Industrial Gas Users Association, Alabama Gas Corporation, Alabama Municipal Gas Association, Alabama Public Service Commission, and Marshall County Gas District oppose the staff's motion for an interim order.

(2) It is appropriate in carrying out the provisions of the Natural Gas Act that oral argument be held, as hereinafter provided, on the two issues set forth in finding (1) above.

(3) The aforementioned motion for a conference filed by Southern on May 16, 1960, should be denied.

The Commission orders:

(A) The intermediate decision procedure is hereby omitted for the purposes of our determination of the proper rate of return to be allowed Southern in this proceeding, together with the procedural issue raised by staff counsel's aforementioned motion for an interim order.

(B) Main briefs shall be filed by all parties who desire to do so, on or before June 13, 1960, and reply briefs shall be filed by all parties who desire to do so, on or before June 22, 1960, by service of

copies on all parties.

(C) Oral argument before the Commission on the two aforementioned issues shall be held on June 24, 1960, at 10:00 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

(D) all parties to this proceeding who desire to participate in the oral argument, herein provided, shall notify the Secretary, on or before June 13, 1960, of their intent to do so and the amount of time they desire for such argument.

(E) The aforementioned motion for a conference filed by Southern on May 16, 1960, is hereby denied.

By the Commission.

MICHAEL J. FARRELL. Acting Secretary.

[F.R. Doc. 60-4991; Filed, June 2, 1960; 8:46 a.m.]

[Docket No. CP60-59]

UNITED GAS PIPE LINE CO. Notice of Application and Date of Hearing

May 27, 1960.

Take notice that on March 14, 1950, as supplemented on April 26, 1960, United Gas Pipe Line Company (Applicant) filed in Docket No. CP60-59 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities to provide an additional source of supply to assure continued reliable service to Applicant's socalled Rayville-Winnsboro System, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The proposed facilities consist of approximately 7.81 miles of 8-inch pipeline, and appurtenant facilities, from a point near Milepost 26.33 on Applicant's 18inch Sterlington-Jackson pipeline extending southwesterly to a point near Milepost 5.74 on Applicant's 4-inch Rayville-Winnsboro pipeline, all in Richland Parish, Louisiana.

Applicant represents that existing service to Applicant's customer, Louisiana Gas Service Company, for resale in the Towns of Rayville, Archibald, Mangham, Baskon, and Winnsboro, and directly to the Town of Rayville for use in its electric generating plant, all formerly rendered by Applicant from intrastate facilities, would become interstate in character. The purpose of the application is to provide for expected future load growth in this area.

Applicant's estimated requirements under this application for the first three years are:

	Mcf at 14.73 psia			
	1st year	2d year	3d year	
Annual, firm Annual, interruptible Peak day, firm Peak day, interruptible	546, 700 155, 000 5, 317 1, 000	569, 700 155, 000 5, 565 1, 000	593, 700 155, 000 5, 822 1, 000	

The total estimated cost of the proposed facilities is \$186,836.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 28, 1960, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: Provided, however, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 17, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

> MICHAEL J. FARRELL. Acting Secretary.

[F.R. Doc. 60-4993; Filed, June 2, 1960; 8:46 a.m.]

[Docket No. RI60-377 etc.]

STANDARD OIL COMPANY OF TEXAS ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates; Amendment

MAY 25, 1960.

Standard Oil Company of Texas, et al., Docket No. RI60-337, et al.; Helmerich & Payne, Inc., Docket No. RI60-342.

In the Order Providing for Hearings on and Suspension of Proposed Changes in Rates, issued May 13, 1960, and published in the FEDERAL REGISTER on May 21, 1960 (25 F.R. 4519): In RI60-342 under the column heading "Purchaser and Producing Area" change "Panhandle Eastern Pipe Line Company, (Liberal Southeast Fld., Seward Co., Texas)" to read "Panhandle Eastern Pipe Line Company (Liberal Southeast Fld., Seward Co., Kansas".

> MICHAEL J. FARRELL, Acting Secretary.

[F.R. Doc. 60-4992; Filed, June 2, 1960; 8:46 a.m.]

[Project No. 2155]

CALIFORNIA

Notice of Land Withdrawal

MAY 27, 1960.

In the matter of White Rock Division. Upper American River Project, Sacramento Municipal Utility District.

Conformable to the provisions of section 24 of the Act of June 10, 1920, as amended, notice is hereby given that the lands hereinafter described, insofar as title thereto remains in the United States are included in power Project No. 2155 (White Rock Division, Upper American River Project) for which application for license was filed March 21, 1960, by the Sacramento Municipal Utility District, Sacramento 11, California. Under said section 24 these lands are, from said date of filing reserved from entry, location, or other disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

The area reserved by the filing of the application for this project is approximately 1168.04 acres, all of which have been previously withdrawn by Projects No. 78, 184, 424, or 1455; Power Site Reserves No. 201, 268, 700; or Power Site Classification No. 178. Approximately 1018.10 acres of the United States lands are within the Eldorado National Forest.

MOUNT DIABLO MERIDIAN

CALIFORNIA

All portions of the following described subdivisions as depicted on map exhibit J, White Rock Division Plan and Profile (FPC No. 2155-2) for tunnel purposes:

T. 11 N., R. 11 E., Sec. 25: NE¼SW¼, NW¼SE¼; Sec. 32: NW¼NE¼, NE¼NW¼.

All portions of the following described subdivisions lying within the project boundaries as delimited on map exhibits K-1-1 and K-1-2. White Rock Division, Slab Creek Reservoir and K-1-3. White Rock Division, Chili Bar Reservoir (FPC Nos. 2155-3, -4, -5).

T. 11 N., R. 11 E.

Sec. 25: E½NE¼, SW¼NE¼; Sec. 30: S½S½ of Lot 3, E½ and SW¼ of Lot 4, S½S½NE¼SW¼, SE¼SW¼, S%S%SE%.

T. 11 N., R. 12 E.

Sec. 15: S½SW¼; Sec. 16: SW¼;

Sec. 20: NE14,S1/2NW1/4, N1/2SW1/4, NW1/4

SE4; Sec. 21: N%N%; Sec. 22: NW4NE4, N%NW4;

Sec. 30: Lot 1.

4936 NOTICES

Copies of the project map exhibits J (FPC No. 2155-2) and K-1, 1, 2, 3 (FPC Nos. 2155, 3, 4, 5) have been transmitted to the Bureau of Land Management, Geological Survey, and Forest Service.

MICHAEL J. FARRELL, Acting Secretary.

[F.R. Doc. 60-4994; Filed, June 2, 1960; 8:47 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGIONAL DIRECTOR OF COMMU-NITY FACILITIES ACTIVITIES, RE-GION I (NEW YORK)

Redelegation of Authority With Respect to Housing for Educational Institutions

The Regional Director of Community Facilities Activities, Region I (New York), with respect to the program of loans for housing for educational institutions authorized under Title IV of the Housing Act of 1950, as amended (64 Stat. 77, as amended, 12 U.S.C. 1749–1749c), is hereby authorized within such Region:

- 1. To execute loan agreements involving loans for student and/or faculty housing and/or dining facilities, and to amend or modify any such loan agreement:
- 2. To execute any loan agreement under the program in the amount approved by the Community Facilities Commissioner, and to amend or modify any such loan agreement.

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation effective April 9, 1960 (25 F.R. 3090, April 9, 1960, as corrected 25 F.R. 3198, April 13, 1960))

Effective as of the 3d day of May 1960.

[SEAL] WALTER S. FRIED, Regional Administrator, Region I.

[F.R. Doc. 60-5024; Filed, June 2, 1960; 8:51 a.m.]

REGIONAL DIRECTOR OF COMMU-NITY FACILITIES ACTIVITIES, RE-GION I (NEW YORK)

Redelegation of Authority With Respect to Public Facility Loans

The Regional Director of Community Facilities Activities, Region I (New York), with respect to the public facility loans program authorized under section 202 of Public Law 345, 84th Congress, as amended (69 Stat. 643, as amended, 42 U.S.C. 1492), is hereby authorized within such Region:

1. To enter into contracts with public agencies involving loans for essential public works or facilities in amounts not exceeding \$250,000, and to amend or modify any such contract provided that such amendment or modification does not increase the Federal loan beyond \$275,000;

2. To enter into contracts with public agencies for loans for such public works or facilities in amounts approved by the Community Facilities Commissioner, and to amend or modify any such contract provided that such amendment or modification does not increase the amount of the Federal loan approved by the Commissioner by more than \$25,000 or 10 percent, whichever is the lesser.

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation effective April 9, 1960 (25 F.R. 3090, April 9, 1960))

Effective as of the 3d day of May 1960.

[SEAL] WALTER S. FRIED, Regional Administrator, Region I.

[F.R. Doc. 60-5025; Filed, June 2, 1960; 8:51 a.m.]

REGIONAL DIRECTOR OF COMMUNITY FACILITIES ACTIVITIES, REGION I (NEW YORK)

Redelegation of Authority With Respect to Public Works Plannning

The Regional Director of Community Facilities Activities, Region I (New York), with respect to the program of advances for public works planning authorized under section 702 of the Housing Act of 1954 (68 Stat. 641), as amended by section 112 of the Housing Amendments of 1955 (69 Stat. 641), 40 U.S.C. 462, is hereby authorized within such Region:

- 1. To execute offers to public agencies for planning projects involving advances in amounts not exceeding \$30,000 per project, and to amend or modify contracts resulting from the acceptance of such offers provided that such amendments or modifications do not increase the Federal advances for any project beyond \$30,000;
- 2. To execute offers to public agencies in amounts approved by the Community Facilities Commissioner for planning projects involving advances in excess of \$30,000, and to amend or modify contracts resulting from the acceptance of such offers, except that any amendment or modification involving a substantial increase in the scope of a project or an increase in the amount of the Federal advance shall not be executed without the prior approval of the Community Facilities Commissioner:
- 3. To approve the planning data submitted by public agencies in accordance with contracts resulting from acceptance of offers under subparagraphs 1 or 2 above:
- 4. To authorize payments under any contracts resulting from acceptance of offers under subparagraphs 1 or 2 above. (62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation effective April 9, 1960 (25 F.R. 3090, April 9, 1960)

Effective as of the 3d day of May 1960.

[SEAL] WALTER S. FRIED, Regional Administrator, Region I.

[F.R. Doc. 60-5026; Filed, June 2, 1960; 8:51 a.m.]

REGIONAL DIRECTOR OF URBAN RE-NEWAL, REGION I (NEW YORK)

Redelegation of Authority With Respect to Slum Clearance and Urban Renewal Program, Demonstration Grant Program, and Urban Planning Grant Program

The Regional Director of Urban Renewal, Region I (New York), Housing and Home Finance Agency, is hereby authorized within such Region to exercise all the authority delegated to the Regional Administrator by the Housing and Home Finance Administrator's delegation of authority effective December 23, 1954 (20 F.R. 428, Jan. 19, 1955), as amended, with respect to the slum clearance and urban renewal program authorized under Title I of the Housing Act of 1949, as amended (63 Stat. 414-421, as amended, 42 U.S.C. 1450-1460), and under section 312 of the Housing Act of 1954 (68 Stat. 629, 42 U.S.C. 1450 note), with respect to the demonstration grant program authorized under section 314 of the Housing Act of 1954 (68 Stat. 629, 42 U.S.C. 1452a), and with respect to the urban planning grant program authorized under section 701 of the Housing Act of 1954, as amended (68 Stat. 640, as amended, 40 U.S.C. 461), except those authorities which under paragraph 5 of such delegation may not be redelegated.

This redelegation supersedes the redelegation effective February 3, 1959 (24 F.R. 1161, Feb. 14, 1959), and redelegation effective April 15, 1958 (23 F.R. 3277, May 14, 1958).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation, as amended)

Effective as of the 3d day of May 1960.

SEAL] WALTER S. FRIED, Regional Administrator, Region I.

[F.R. Doc. 60-5027; Filed, June 2, 1960; 8:51 a.m.]

FEDERAL RESERVE SYSTEM

MARINE CORP.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of The Marine Corporation for prior approval of acquisition of voting shares of Peoples Trust & Savings Bank, Green Bay, Wisconsin.

There having come before the board of Governors pursuant to section 3(a) (2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843) and section 4(a) (2) of the Board's Regulation Y (12 CFR 222.4(a) (2)), an application on behalf of The Marine Corporation, Milwaukee, Wisconsin, for the Board's prior approval of the acquisition of 80 per cent or more of the 5,000 voting shares of Peoples Trust & Savings Bank, Green Bay, Wisconsin; a Notice of Tentative Decision referring to a Tentative Statement on said application havbeen published in the Federal Register

on May 7, 1960 (25 F.R. 4120); the said Notice having provided interested persons an opportunity, before issuance of the Board's final order, to file objections or comments upon the facts stated and the reasons indicated in the Tentative Statement; and the time for filing such objections and comments having expired and no such objections or comments having been filed;

It is hereby ordered, For the reasons set forth in the Board's Statement of this date, that the said application be and hereby is granted, and the acquisition by The Marine Corporation of 80 percent or more of the 5,000 voting shares of Peoples Trust & Savings Bank, Green Bay, Wisconsin, is hereby approved, provided that such acquisition is completed within three months from the date hereof.

Dated at Washington, D.C., this 26th day of May 1960.

By order of the Board of Governors.

[SEAL] `

MERRITT SHERMAN,

Secretary.

[F.R. Doc. 60-4996; Filed, June 2, 1960; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24C-1933]

BABY-FUND, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

MAY 27, 1960.

I. Baby-Fund, Inc. (issuer), a Minnesota corporation located in Detroit Lakes, Minnesota, filed with the Commission on March 5, 1957, a notification on Form 1—A and an offering circular, and subsequently filed amendments thereto relating to an offering of 100,000 shares of its \$1 par value common stock at \$1 per share in the aggregate amount of \$100,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that the terms and conditions of Regulation A have not been complied with in that the issuer has failed to file reports on Form 2-A as required by Rule 260 of Regulation A and has failed to file a revised offering circular in accordance with Rule 256(e) of Regulation A despite repeated requests of the Commission's staff.

III. It is ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under

Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any persons having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days herefrom; that within twenty days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL]

ORVAL L. DUBOIS, Secretary.

[F.R. Doc. 60-5002; Filed, June 2, 1960; 8:48 a.m.]

[File No. 812-1301]

INCOME FUND OF BOSTON, INC.

Notice of Filing of Application To Permit Borrowing From Foreign Bank

MAY 26, 1960

Notice is hereby given that Income Fund of Boston, Inc. ("Applicant"), an open-end investment company organized as a Massachusetts Trust and registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 6(c) of the Act requesting an exemption from the requirements of section 18(f) (1) of the Act to the extent necessary to permit Applicant to make borrowings from time to time from foreign banking firms as hereinafter described.

Section 18(f)(1) of the Act provides, among other things, that any registered open-end investment company shall be permitted to borrow from any bank, subject to certain asset coverage restrictions. Section 2(a)(5) of the Act defines a "bank", so far as here relevant, as a banking institution organized under the laws of the United States, a member bank of the Federal Reserve System, or any laws of the United States, a mmeber bank other domestic banking institution or trust company supervised and examined by State or Federal authority.

Applicant states that while section 18 (f) (1) of the Act generally prohibits the issuance of senior securities by an openend investment company, exception was made to permit borrowings to be made from a bank, apparently for the reason that the practical difficulties in maintaining adequate asset coverage for a security senior to a fully redeemable common stock would not raise problems adverse to the interest of investors in the case of bank borrowings. Applicant also states that there appears to be no reason to distinguish between domestic banks and foreign banking firms in implementing this policy.

Applicant states that if the exemption requested is granted, loans from foreign

banking firms will be made only if such loans are consistent with its borrowing policy, are otherwise consistent with the requirements of the Act, and can be obtained on more favorable terms than from domestic banks.

Section 6(c) of the Act authorizes the Commission by order upon application to exempt, conditionally, or uncondiditionally, any transaction from any provision of the Act or of any rule or regulation thereunder if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is hereby given that any interested person may, not later than June 9, 1960, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL]

ORVAL L. DuBois, Secretary.

[F.R. Doc. 60-5003; Filed, June 2, 1960; 8:48 a.m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

COMPANIES ACCEPTING REQUEST TO PARTICIPATE IN THE VOLUNTARY AGREEMENT RELATING TO FOREIGN PETROLEUM SUPPLY

Addition to List

Pursuant to section 708 of the Defense Production Act of 1950, as amended, there are published the following additions to the list of companies which have accepted the request to participate in the voluntary agreement entitled, "Voluntary Agreement Relating to Foreign Petroleum Supply, as Amended," dated May 8, 1956. The request and original list of acceptances were published in 21 F.R. 5703, July 28, 1956; and additional acceptances were published in 21 F.R. 6867, September 5, 1956; 21 F.R. 6964, September 14, 1956; 21 F.R. 7640, October 4, 1956; and 22 F.R. 1162, February 27, 1957.

Continental Oil Company, Houston, Tex.
Phillips Petroleum Company, Bartlesville,
Okla.

¹ Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to any Federal Reserve Bank.

Plymouth Oil Company, Pittsburgh, Pa. Signal Oil and Gas Company, Los Angeles, Calif.

Standard Oil Company (Indiana), Chicago, Ill.

Standard Oil Company (Ohio), Cleveland, Ohio.

Sunray Mid-Continent Oil Company, Tulsa, Okla.

The Atlantic Refining Company, Philadelphia, Pa.

The Ohio Oil Company, Findlay, Ohio.

(Sec. 708, 64 Stat. 818, as amended; 50 U.S.C. App. Sup. 2158; Executive Order 10480, August 14, 1953, 18 F.R. 4939)

Dated: May 26, 1960.

LEO A. HOEGH, Director.

[F.R. Doc. 60-4981; Filed, June 2, 1960; 8:45 a.m.]

SMALL BUSINESS ADMINISTRA-TION

[Declaration of Disaster Area 276]

VIRGIN ISLANDS

Declaration of Disaster Area

Whereas, it has been reported that during the month of May 1960, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas on the Island of St. Thomas, Virgin Islands;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Office below indicated from persons or firms whose property situated on the Island of St. Thomas, Virgin Islands, suffered damage or destruction as a result of heavy rain and flood occurring on or about May 5 through May 9, 1960.

Office: Small Business Administration Regional Office, 90 Fairlie Street NW., Atlanta 3, Ga.

2. A temporary field office will be established at Charlotte Amalie, on the Island of St. Thomas, address to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to November 30, 1960.

Dated: May 21, 1960.

PHILIP McCallum, Administrator.

[F.R. Doc. 60-5005; Filed, June 2, 1960; 8:48 a.m.]

[Declaration of Disaster Area 277]

MINNESOTA

Declaration of Disaster Area

Whereas, it has been reported that during the month of May, 1960, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Minnesota;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected:

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Office below indicated from persons or firms whose property situated in the following County (including any areas adjacent to said County) suffered damage or destruction as a result of the catastrophe hereinafter referred to:

County: Scott (flood occurring on or about May 20, 1960).

Office: Small Business Administration Regional Office, Lewis Building, 603 Second Avenue, South Minneapolis 2, Minn.

2. A temporary field office will be established at Jordan, Minnesota, address to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to November 30, 1960.

Dated: May 23, 1960.

PHILIP McCallum, Administrator.

[F.R. Doc. 60-5006; Filed, June 2, 1960; 8:48 a.m.]

[Declaration of Disaster Area 278]

KANSAS

Declaration of Disaster Area

Whereas, it has been reported that during the month of May, 1960, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Kansas;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected:

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the

Small Business Act may be received and considered by the Office below indicated from persons or firms whose property situated in the following Counties (including any areas adjacent to said Counties) suffered damage or destruction as a result of the catastrophe hereinafter referred to:

'Counties: Jefferson, Shawnee and Pottawatomie (tornado occurring on or about May 19, 1960).

Office: Small Business Administration Regional Office, Home Savings Building, Fifth Floor, 1006 Grand Avenue, Kansas City 6, Mo.

- 2. No special field offices will be established at this time.
- 3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to November 30, 1960.

Dated: May 23, 1960.

PHILIP McCallum,
Administrator.

[F.R. Doc. 60-5007; Filed, June 2, 1960; 8:48 a.m.]

[Declaration of Disaster Area 279]

HAWAII

Declaration of Disaster Area

Whereas, it has been reported that during the month of May 1960, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Hawaii;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property situated in the State of Hawaii suffered damage or destruction as a result of tidal waves occurring on or about May 23, 1960.

Offices: Small Business Administration Regional Office, 525 Market Street, San Francisco 5, Calif. Small Business Administration Branch Office, Finance Factors Building, 195 South King Street, Honolulu, Hawaii.

- 2. A temporary field office will be established at Hilo, Hawaii, address to be announced locally.
- 3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to November 30, 1960.

Dated: May 24, 1960.

PHILIP McCallum,
Administrator.

[F.R. Doc. 60-5008; Filed, June 2, 1960; 8:48 a.m]

[Declaration of Disaster Area 280]

CALIFORNIA

Declaration of Disaster Area

Whereas, it has been reported that during the month of May, 1960, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of California;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Office below indicated from persons or firms whose property situated in the following County (including any areas adjacent to said County) suffered damage or destruction as a result of the catastrophe hereinafter referred to:

County: Los Angeles (tidal wave occurring on or about May 24, 1960).

Office: Small Business Administration Regional Office, Ohrbach Building, Room 1101, 312 West Fifth Street, Los Angeles 13, Calif.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to November 30, 1960.

Dated: May 24, 1960.

PHILIP McCallum. Administrator.

[F.R. Doc. 60-5009; Filed, June 2, 1960; 8:48 a.m.]

[Delegation of Authority 30-X-1 (Rev. 2)]

CHIEF, FINANCIAL ASSISTANCE DIVISION

Delegation Relating to Financial Assistance and Administrative Func-

- I. Pursuant to the authority delegated to the Deputy Regional Director by Delegation of Authority No. 30-X-19, dated March 28, 1960, there is hereby redelegated to the Chief, Financial Assistance Division, Dallas Regional Office, Small Business Administration, authority:
- A. Financial assistance. (1) To approve the following types of loans.
- (a) Direct business loans amount not exceeding \$20,000:
- (b) Participation business loans in an amount not exceeding \$100,000;
- (c) Disaster loans in an amount not exceeding \$50,000.
- (2) To decline original applications for disaster loans but not reconsideration of such applications.

- Loan Participation loans.
 - (4) To disburse approved loans.
- (5) To enter into Business Loan and Disaster Loan Participation Agreements with banks.
- (6) To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), Administrator. By (Name)

Chief, Financial Assistance Division.

- (7) To cancel, reinstate, modify, and amend authorizations for business or disaster loans.
- (8) To extend the disbursement period on all loan authorizations or undisbursed portions of loans.
- (9) To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorization.
- (10) To approve service charges by participating bank not to exceed 2% per annum on the outstanding balance in connection with construction loans and loans involving accounts receivable and inventory financing.
- (11) To take the following actions in the Administration of fisheries' loans:
- (a) Amend loan authorizations;
- (b) Extend the period of disbursement of loans of \$50,000 or less for a period not to exceed four months;
- (c) Amend the hull insurance provision of any authorization issued prior to January 31, 1958, for a loan of \$20,000 or less;
- (d) Cancel loan authorizations prior to disbursement upon the written request of the applicant;
- (e) Disburse fisheries' loans in the same manner as SBA business loans; and
- (f) Administer current fisheries' loans and those loans delinquent not more than 60 days within the same authority exercised with respect to SBA loans, except execute satisfactions, releases or partial release of Preferred Ship Mortgages, or other mortgages, deeds of trust, etc., securing fisheries' loans, or to postpone or change payments due or to endorse checks in payment of insurance claims when said checks are not being paid to the Government as a payment on a fishery loan.
- (12) To take all necessary actions in connection with the administration, servicing, collection and liquidation of all loans and other obligations or assets, including collateral purchased, and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to be done for the purpose of effectuating the granted powers, including without limiting the generality of the foregoing.
- (a) The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, patents and applications contracts, therefor, licenses, certificates of stock

(3) To approve or decline Limited and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator; Provided, however, That he may not assign, endorse, transfer, deliver, modify, surrender, satisfy, discharge, release, subordinate or cancel. in whole or in part, judgments and judgment liens, certificates or other instruments issued by receivers, trustees, liquidators or other officers or officials representing claims allowed against or interests in receivership, bankruptcy or other estates, without the prior written approval of the Regional Counsel or the United States Attorney, in those cases where the latter is involved in the proceedings.

(b) The execution and delivery of contracts of sale or of lease or sublease, quit-claim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) or liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

B. Administration. To approve annual and sick leave for employees under

his supervision.

C. Correspondence. To sign all nonpolicy making correspondence, except Congressional correspondence, relating to the financial assistance functions.

II. The authority delegated herein may be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Financial Assistance Division.

IV. All previous authority delegated by the Regional Director to the Chief, Financial Assistance Division is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: March 28, 1960.

J. F. MATCHETT. Deputy Regional Director. Dallas Regional Office.

[F.R. Doc. 60-5010; Filed, June 2, 1960; 8:48 a.m.]

[Delegation of Authority 30-X-19]

DEPUTY REGIONAL DIRECTOR, DALLAS, TEXAS

Delegation Relating to Financial Assistance, Investment, Procurement and Technical Assistance, and Administrative Functions

- I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 6) (25 F.R. 1706), there is hereby redelegated to the Deputy Regional Director, Dallas Regional Office, Small Business Administration, the authority:
- A. Financial assistance. (1) To approve the following types of loans:
- (a) Direct business loans in amount not exceeding \$20,000;
- (b) Participation business loans in an amount not exceeding \$100,000:

exceeding \$50,000.

(2) To decline original applications for disaster loans but not reconsideration of such applications.

(3) To approve or decline Limited Loan Participation loans.

(4) To disburse approved loans.(5) To enter into Business Loan and Disaster Loan Participation Agreements with banks.

(6) To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), Administrator. By (Name) Deputy Regional Director.

- (7) To cancel, reinstate, modify, and amend authorizations for business or disaster loans.
- (8) To extend the disbursement period on all loan authorizations or undisbursed portions of loans.
- (9) To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorization.
- (10) To approve service charges by participating bank not to exceed 2% per annum on the outstanding balance in connection with construction loans and loans involving accounts receivable and inventory financing.
- (11) To take the following actions in the Administration of fisheries' loans:
 - (a) Amend loan authorizations:
- (b) Extend the period of disbursement of loans of \$50,000 or less for a period not to exceed four months;
- (c) Amend the hull insurance provision of any authorization issued prior to January 31, 1958, for a loan of \$20,000, or less;
- (d) Cancel loan authorizations prior to disbursement upon the written request of the applicant:
- (e) Disburse fisheries' loans in the same manner as SBA business loans; and
- (f) Administer current fisheries' loans and those loans delinquent not more than 60 days within the same authority exercised with respect to SBA loans, except execute satisfactions, releases or partial release of Preferred Ship Mortgages, or other mortgages, deeds of trust. etc., securing fisheries' loans, or to postpone or change payments due or to endorse checks in payment of insurance claims when said checks are not being paid to the Government as a payment on a fishery loan.
- (12) To take all necessary actions in connection with the administration, servicing, collection and liquidation of all loans and other obligations or assets, including collateral purchased, and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to be done for the purpose of effectuating the granted powers, including without limiting the generality of the foregoing.
- (a) The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or war-

- (c) Disaster loans in an amount not ranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator: Provided, however, That he may not assign, endorse, transfer, deliver, modify, surrender, satisfy, discharge, release, subordinate or cancel, in whole or in part, judgments and judgment liens, certificates or other instruments issued by receivers, trustees, liquidators or other officers or officials representing claims allowed against or interests in receivership, bankruptcy or other estates, without the prior written approval of the Regional Counsel or the United States Attorney, in those cases where the latter is involved in the proceedings.
 - (b) The execution and delivery of contracts of sale or of lease or sublease, quit-claim, bargain and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) or liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing:
 - B. Investment program. (1) To disburse Section 502 loans.
 - (2) To extend the disbursement period on section 502 loan authorization or undisbursed portions of section 502 loans.
 - (3) To cancel wholly or in part undisbursed balances of partially disbursed section 502 loans.
 - (4) To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the servicing and administration of section 502 loans.
 - C. Procurement and technical assistance. (1) To: (a) determine joint setasides for Government procurements and sales; (b) to determine the need for representation at procurement and disposal centers; and (c) develop with Government procurement and disposal agencies required local procedures for implementing established inter-agency policy agreements.
 - D. Administration. (1) To administer oaths of office.
 - (2) To approve (a) annual and sick leave and (b) leave without pay, not to exceed 30 days.
 - (3) To (a) make emergency purchases chargeable to the administrative expense fund, not in excess of \$50 for any one object class in any one instance but not more than \$100 for any one month for total purchases in all object classes; (b) make purchases not in excess of \$10 in any one instance for "one-time use items" not carried in stock subject to the total limitations set forth in (a) of this paragraph; and (c) to contract for the repair and maintenance of equipment and furnishings in an amount not to exceed \$25 in any one instance.
 - (4) In connection with the establishment of Disaster Loan Offices, to (a) obligate Small Business Administration to reimburse General Services Administra-

tion for the rental of office space; (b) rent office equipment; and (c) procure (without dollar limitation) emergency supplies and materials.

(5) To administratively approve all types of vouchers, invoices and bills submitted by public creditors of the Agency for articles or service rendered.

(6) To (a) authorize or approve official travel within the Region and (b) administratively approve travel reimbursement claims.

- (7) To procure from General Services Administration all standard forms and all supply items listed in Part I of the SBA Index of Standard Supply Items.
- (8) To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.
- (9) To establish and classify all nontechnical positions subject to the Classification Act of 1949, as amended, in grades GS-1 through GS-7.
- E. Eligibility. (1) To determine the size of applicants for assistance in accordance with the specific definitions set forth in sections 121.3-8, 121.3-9, 121.3-10 and 121.3-11 of the Small Business Size Standards Regulation, as amended (13 CFR Part 121), and within the rules set forth in section 121.3-4 of said Regulation, except where such determination involves questions of affiliation including franchise agreements, license agreements, or other similar contractual arrangements.
- (2) To determine eligibility of applicants for assistance under any program of the Agency in accordance with Small Business Administration standards and policies.
- F. Correspondence. To sign all correspondence relating to the functions of the Regional Office, except Congressional correspondence and correspondence involving new policy matters.

II. The authority delegated herein may be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Deputy Regional Director.

IV. All previous authority delegated to employees of the Dallas Regional Office by the Regional Director may be rescinded, revised or amended without prejudice to actions taken thereunder.

Effective date: March 28, 1960.

C. W. FERGUSON. Regional Director. Dallas Regional Office.

[F.R. Doc. 60-5011; Filed, June 2, 1960; 8:49 a.m.1

DEPARTMENT OF JUSTICE

Office of Alien Property

FREDERIC CHARLES GROMME **ARNING**

Notice of Intention To Return Vested Property; Amendment

The Notice of Intention to Return Vested Property to Frederic Charles Gromme Arning, Claim No. 57823, which was published in the Federal Register on September 11, 1958 (23 F.R. 7057), is hereby amended in view of the death of Frederic Charles Gromme Arning by deleting therefrom under the heading "Claimant" the words: Frederic Charles Gromme Arning, Longstone, Powdermill Lane, Battle, Sussex, England, and substituting in place thereof the following: District Bank Limited, Executor of the Estate of Frederic C. G. Arning, deceased, Manchester, England.

All other provisions of said Notice of Intention to Return Vested Property and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto, and under the authority thereof, are hereby ratified and confirmed.

Executed at Washington, D.C., on May 27, 1960.

For the Attorney General.

[SEAL]

PAUL V. MYRON. Deputy Director Office of Alien Property.

[F.R. Doc. 60-5020; Filed, June 2, 1960; 8:50 a.m.]

JULIUS GOUDSMIT

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Julius Goudsmit, The Hague, The Netherlands; \$105.00 in the Treasury of the United

Vesting Order No. 18117; Claim No. 62394.

Executed at Washington, D.C., on May 27, 1960.

For the Attorney General.

[SEAL]

PAUL V. MYRON, Deputy Director, Office of Alien Property.

[F.R. Doc. 60-5018; Filed, June 2, 1960; 8:50 a.m.]

JOHANN STOLL

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Johann Stoll, Munich, Germany; \$4,186.78 in the Treasury of the United States.

Vesting Order No. 13237; Claim No. 63242. Executed at Washington, D.C., on May 27, 1960.

For the Attorney General.

PAUL V. MYRON, Deputy Director, Office of Alien Property.

[F.R. Doc. 60-5019; Filed, June 2, 1960; 8:50 a.m.]

INTERSTATE COMMERCE **COMMISSION**

[Notice 323]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 31, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179). appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62602. By order of May 26, 1960, the Transfer Board approved the transfer to Clearwater Stage Lines, Inc., Grangeville, Idaho, of Certificates in Nos. MC 110604 and MC 110604 Sub 2, issued October 29, 1957 and December 11, 1959, to Virgil Boyd, doing business as Clearwater Stage Lines, Grangeville, Idaho, authorizing the transportation of: Passengers and their baggage, and express, newspapers, and mail in the same vehicle with passengers, between Lewiston, Idaho, and Grangeville, Idaho, and between Lewiston, Idaho, and Headquarters, Idaho, serving all intermediate points, and between junction Idaho Highway 9 and Idaho Highway 11 (near Greer, Idaho, and Kamiah, Idaho), serving all intermediate points. Elbert A. Stellmon, P.O. Box 496, Lewiston, Idaho, for applicants.

No. MC-FC 63119. By order of May 27, 1960, the Transfer Board approved the transfer to Ritchie Moving & Storage Company, a Corporation, Cleveland, Ohio, of Certificate No. MC 72982, issued June 14, 1949, in the name of J. Ritchie & Sons, Inc., Cleveland, Ohio, authorizing the transportation of household goods, over irregular routes, between points in Cuyahoga County, Ohio, on the one hand, and, on the other, points in Michigan, New Jersey, New York, Pennsylvania, and West Virginia, traversing Maryland for operating convenience only. G. H. Dilla. 3350 Superior Avenue, Cleveland 14, Ohio, for applicants.

No. MC-FC 63137. By order of May 26, 1960, the Transfer Board approved the transfer to all Boro Mountain Limousine Service, Inc., at St. Albans, N.Y., of Certificate No. MC 94162, issued August 16, 1944, to Rosenblatt's Friendly Mountain Line, Inc., Brooklyn, N.Y., authorizing the transportation of: Passengers and their baggage, in special operations, from May 15 to September 30, inclusive, traversing New Jersey for operating convenience, between New York, N.Y., on the one hand, and, on the other, points in Bethel, Neversink, Liberty, Thompson, Fallsburgh, and Rockland Townships, Sullivan County, N.Y., and Warwarsing Township, Ulster County, N.Y. Robert E. Goldstein, 24 West 40th Street, New York 18, N.Y., for applicants.

[SEAL]

HAROLD D. McCoy, Secretary.

[F.R. Doc. 60-5015; Filed, June 2, 1960; 8:49 a.m.]

[Rev. S.O. 562, Taylor's I.C.C. Order 117-A]

READING CO.

Rerouting of Traffic

Upon further consideration of Taylor's I.C.C. Order No. 117 (the Reading Company) and good cause appearing therefor:

It is ordered, That:
(a) Taylor's I.C.C. Order No. 117, be, and it is hereby vacated and set aside.

(b) Effective date: This order shall become effective at 10:00 a.m.; May 27. 1960.

It is further ordered. That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 27, 1960.

> INTERSTATE COMMERCE COMMISSION, CHARLES W. TAYLOR. Agent.

[F.R. Doc. 60-5016; Filed, June 2, 1960; 8:49 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

May 31, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

Long-and-Short Haul

FSA No. 36275: Substituted service-PRR for Midwest Haulers, Inc. Filed by Midwest Haulers, Inc. (No. 24), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Buffalo, N.Y., on the one hand, and specified points in Illinois, Indiana, Kentucky, Maryland, New Jersey, and Pennsylvania, on the other, between Cincinnati, Ohio and Chicago, Ill., and between Dayton, Ohio, on the one hand, and points in Illinois,

Maryland, New Jersey and Pennsylvania, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 5 to Midwest Haulers, Inc., tariff MF-I.C.C. 22.

FSA No. 36276: Substituted service—Wabash for Midwest Haulers, Inc. Filed by Midwest Haulers, Inc. (No. 25), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Fort Wayne, Ind., and East St. Louis, Ill.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 5 to Midwest Haulers, Inc., tariff MF-I.C.C. 22.

FSA No. 36277: Wrought iron pipe— East to the southwest. Filed by Traffic Executive Association-Eastern Railroads, Agent (ER No. 2542), for interested rail carriers. Rates on wrought iron pipe and related articles, in carloads, from producing points in official territory, to points in southwestern territory.

Grounds for relief: Rates prescribed by order of the Commission and grouping.

Tariff: Supplement 231 to Traffic Executive Association-Eastern Railroads, Agent, tariff I.C.C. A-732 (Boin series).

FSA No. 36278: Bituminous fine coal—Alabama to Mitchell, Ga. Filed by O. W. South, Jr., Agent (SFA No. A3960), for interested rail carriers. Rates on bituminous fine coal, in carloads, as described in the application, from L&N mines in Alabama, to Mitchel, Ga.

Grounds for relief: Grouping.
Tariff: Supplement 33 to Southern
Freight Association tariff I.C.C. S-39.

FSA No. 36279: Radiators—Ga., Miss., and N.C., to official territory. Filed by O. W. South, Jr., Agent (SFA No. A3955), for interested rail carriers. Rates on boilers, radiators, and related articles, in carloads, as described in the applica-

tion, from Brunswick, Ga., West Point, Miss., and Wilmington, N.C., to points in official (including Illinois) territory.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 197 to Southern Freight Association tariff I.C.C. 971 (Spaninger series).

FSA No. 36280: Superphosphate—South Florida to Massachusetts. Filed by O. W. South, Jr., Agent (SFA No. A3959), for interested rail carriers. Rates on superphosphate (acid phosphate), in carloads, from South Florida producing points, to Lowell, North Cambridge and South Wilmington, Mass.

Grounds for relief: Rail-water-truck competition.

Tariff: Supplement 66 to Southern Freight Association tariff I.C.C. 1568 (Spaninger series).

FSA No. 36281: T.O.F.C. Service—Between Illinois and WTL territories and the southwest. Filed by Southwestern Freight Bureau, Agent (No. B-7808), for interested carriers. Rates on property of various kinds moving on class rates loaded in trailers and transported on railroad flat cars between points in Illinois and western trunk line territory, on the one hand, and points in Arkansas, Missouri and Oklahoma, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 66 to Southwestern Freight Bureau tariff I.C.C. 4312.

FSA No. 36282: Substituted service—Monon and L&N for Southern-Plaza Express, Inc. Filed by Central and Southern' Motor Freight Tariff Association, Incorporated, Agent (No. 17), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Hammond, Ind., and Memphis, Tenn., on traffic originating at or destined to such points or points beyond as described in the application,

Grounds for relief: Motor-truck competition.

Tariff: Supplement 3 to Central and Southern Motor Freight Tariff Association, Incorporated tariff MF-I.C.C. 220.

FSA No. 36283: Substituted service—Monon and L&N for Super Service Motor Freight Company. Filed by Central and Southern Motor Freight Tariff Association, Incorporated, Agent (No. 18), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Hammond, Ind., on the one hand, and Chattanooga or Nashville, Tenn., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 3 to Central and Southern Motor Freight Tariff Association, Incorporated tariff MF-I.C.C. 220.

FSA No. 36284: Substituted service—IC for Southern-Plaza Express, Inc. Filed by Central and Southern Motor Freight Tariff Association, Incorporated, Agent, (No. 19), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Chicago, Ill., on the one—hand, and East St. Louis, Ill., and Memphis, Tenn., on the other, and between East St. Louis, Ill., and Memphis, Tenn., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 3 to Central and Southern Motor Freight Tariff Association, Incorporated tariff MF-I.C.C. 220.

By the Commission.

[SEAL] HAROLD D. McCoy, Secretary.

[F.R. Doc. 60-5014; Filed, June 2, 1960; 8:49 a.m.]

CUMULATIVE CODIFICATION GUIDE—JUNE

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CFR SUPPLEMENTS

(As of January 1, 1960)

The following Supplements are now available:

Title 7, Part 960 to End	\$2.50
Title 14, Parts 1—39:	\$0.65
Title 15	\$1.25

Previously announced: Title 3 (\$0.60); Titles 4-5 (\$1.00); Title 7, Parts 1-50 (\$0.45); Parts 51-52 (\$0.45); Parts 53-209 (\$0.40); Parts 210-399, Revised (\$4.00); Parts 900-959 (\$1.50); Title 8 (\$0.40); Title 9 (\$0.35); Titles 10-13 (\$0.50); Title 18 (\$0.55); Title 19 (\$1.00); Title 20 (\$1.25); Title 21 (\$1.50); Titles 22-23 (\$0.45); Title 24 (\$0.45); Title 25 (\$0.45); Title 26 (1939), Parts 1-79 (\$0.40); Parts 80-169 (\$0.35); Parts 170-182 (\$0.35); Parts 300 to End (\$0.40); Title 26, Part 1 (§§ 1.01-1.499) (\$1.75); Parts 1 (§ 1.500 to End)—19 (\$2.25); Parts 20-169 (\$1.75); Parts 170-221 (\$2.25); Part 300 to End (\$1.25); Titles 28-29 (\$1.75); Titles 30-31 (\$0.50); Title 32, Parts 1-399 (\$2.00); Parts 400-699 (\$2.00); Parts 700-799 (\$1.00); Parts 800-999, Revised (\$3.75); Part 1100 to End (\$0.60); Title 33 (\$1.75); Title 35, Revised (\$3.50); Title 36, Revised (\$3.00); Title 37, Revised (\$3.50); Title 38 (\$1.00); Title 39 (\$1.50); Title 42, Revised (\$4.00); Title 43 (\$1.00); Title 46, Parts 1–145 (\$1.00); Parts 146–149, Revised (\$6.00); Part 150 to End (\$0.65); Title 47, Parts 1-29 (\$1.00); Part 30 to End (\$0.30); Title 49, Parts 1-70 (\$1.75); Parts 71-90 (\$1.00); Parts 91-164 (\$0.45); Part 165 to End (\$1.00); Title 50 (\$0.70).

Order from the Superintendent of Documents, Government Printing Office, Washington 25, D.C.



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Worth 3-3261

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